

Extra Ordinary Part - IV / 2015

Extra No.	Date	Department
Extra No.1	11-03-2015	Legislative & Parliamentary Affairs Department
Extra No.2	11-03-2015	Legislative & Parliamentary Affairs Department
Extra No.3	11-03-2015	Legislative & Parliamentary Affairs Department
Extra No.4	12-03-2015	Legislative & Parliamentary Affairs Department
Extra No.5	31-03-2015	Legislative & Parliamentary Affairs Department
Extra No.6	31-03-2015	Legislative & Parliamentary Affairs Department
Extra No.7	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.8	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.9	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.10	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.11	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.12	07-04-2015	Legislative & Parliamentary Affairs Department
Extra No.13	08-04-2015	Legislative & Parliamentary Affairs Department
Extra No.14	10-04-2015	Legislative & Parliamentary Affairs Department
Extra No.15	10-04-2015	Legislative & Parliamentary Affairs Department
Extra No.16	10-04-2015	Legislative & Parliamentary Affairs Department
Extra No.17	15-04-2015	Legislative & Parliamentary Affairs Department
Extra No.18	15-04-2015	Legislative & Parliamentary Affairs Department
Extra No.19	16-06-2015	Legislative & Parliamentary Affairs Department
Extra No.20	01-07-2015	Legislative & Parliamentary Affairs Department
Extra No.21	24-07-2015	Legislative & Parliamentary Affairs Department
Extra No.22	14-09-2015	Legislative & Parliamentary Affairs Department
Extra No.23	16-09-2015	Legislative & Parliamentary Affairs Department
Extra No.24	16-09-2015	Legislative & Parliamentary Affairs Department

Extra No.	Date	Department
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Extra No.26	16-09-2015	Legislative & Parliamentary Affairs Department
Extra No.27	16-09-2015	Legislative & Parliamentary Affairs Department
Extra No.28	16-09-2015	Legislative & Parliamentary Affairs Department
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The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LVI]

WEDNESDAY, MARCH 11, 2015/PHALGUNA 20, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th March, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 11th March, 2015).

AN ACT

Further to amend the Gujarat Public Works Contracts Disputes
Arbitration Tribunal Act, 1992.

It is hereby enacted in the Sixty-sixth Year of the Republic of
India as follows:-

1. This Act may be called the Gujarat Public Works Contracts Disputes Arbitration Tribunal (Amendment) Act, 2015.

2. In the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992, in section 4, in sub-section (1),-

- (i) in clause (a), for the words "sixty-five years", the words "sixty-seven years" shall be substituted;
- (ii) in clause (b), for the words "sixty-two years", the words "sixty-five years" shall be substituted.

Guj. 4 of
1992.

Amendment of
section 4 of
Guj. 4 of 1992.



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C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 11th March, 2015).

AN ACT

to provide for establishment of a non-affiliating University to be known as the Indian Institute of Public Health, Gandhinagar for imparting education in the field of public health and for research related to public health in the State of Gujarat and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Indian Institute of Public Health Gandhinagar Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) "Academic and Research Council" means the Academic and Research Council of the University constituted under section 16;
- (b) "Director" means the Director of the University appointed under section 9;
- (c) "distance education" means imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (d) "Executive Council" means the Executive Council of the University constituted under section 13;
- (e) "Finance Committee" means Finance Committee of the University constituted under section 17;
- (f) "Governing Council" means the Governing Council of the University constituted under section 12;
- (g) "higher education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;
- (h) "hostel" means a place of residence for the students of the University, or its colleges, institutions or centers, maintained or recognised as such by the University;
- (i) "MCI" means the Medical Council of India constituted under the Medical Council Act, 1956; 102 of 1956.
- (j) "NAAC" means the National Council of Assessment and Accreditation, an institution of the UGC;
- (k) "off campus centre" means a centre established by the University outside the main campus but within the State of Gujarat as its constituent unit, having the University's complement of facilities, faculty and staff;
- (l) "prescribed" means prescribed by rules made under section 33;
- (m) "President" means the President of the University appointed under section 8;
- (n) "Registrar" means the Registrar of the University appointed under section 10;
- (o) "Regulatory body" means a body established by the Government of India, for laying down the norms and conditions for ensuring academic

standards of higher education including the UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR, Indian Nursing Council, National Board of Examiners (NBE);

21 of 1860.

- (p) “regulations” means regulations made under section 29;
- (q) “sponsoring body” in relation to University means the Public Health Foundation of India (PHFI), a society registered under the Societies Registration Act, 1860;
- (r) “student” means a student of the University and includes any person who has enrolled himself for pursuing any course of study of the University;
- (s) “study centre” means a centre established, maintained or recognised by the University for the purpose of advising, counseling or for rendering any other assistance required by the students;
- (t) “Teacher” means a Dean, Professor, Assistant Professor, Associate Professor, Adjunct Professor, Visiting Professor, Emeritus Professor, Reader, Lecturer or any other person imparting instructions in the University or for giving guidance to the students for pursuing any course of study, research or to render guidance in any other form to the students for pursuing a course of study of the University;
- (u) “University” means the Indian Institute of Public Health Gandhinagar established and incorporated under section 3.

CHAPTER II ESTABLISHMENT OF UNIVERSITY

3. (1) There shall be established a University by the name of the “Indian Institute of Public Health Gandhinagar (IIPHG)”.

Establishment
and
incorporation
of University.

(2) The President, the Director, the Deans, the Members of the Governing Council, Executive Council, the Academic and Research Council, the Finance Committee and all other persons who may hereafter become such officers and members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the “Indian Institute of Public Health Gandhinagar (IIPHG)”.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(4) The University shall be competent to acquire and hold property, to lease, sell, or otherwise transfer any property which may vest in or be acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

(5) The headquarters of the University shall be at Gandhinagar, Gujarat.

Objects of University. 4. The overarching objectives of the University, in general, shall be to advance the education in the field of public health at diploma and degree levels, and at post-graduate levels including doctoral and post-doctoral levels, and to carry on research and consultancy in the area of public health as well as to develop and disseminate knowledge and create awareness about health, and in particular, shall be-

- (i) to establish a Centre of Excellence in the field of public health and allied fields, and attract the best talents at national and international level;
- (ii) to undertake multi-disciplinary education, research and development and to become a resource centre in the service of the society and the profession by developing knowledge in biostatistics, epidemiology, health services administration, health policy, public health, health management, health education, medical social work, occupational health/occupational medicine, industrial health, behavioural science, environmental health, community health, health insurance, etc. and develop curricula, syllabi and all related facilities for the conduct of the same, and for its recognition and approval from national and international accreditation boards or agencies for the purposes of employment or further education;
- (iii) to establish close linkage with profession, Government and industry at the national and international level and to make teaching, training, and research at the University relevant to the needs of the society;
- (iv) to impart the students holistic value based education and concerns about societal issues surrounding public health and equip them to deal successfully with a variety of challenges and opportunities;
- (v) to give training to teachers as well as non-teachers and Government officials and to impart education in the area of public health;
- (vi) to advance and disseminate knowledge, learning, impart training and provide for research and consultancy, in all areas related to public health and related areas including promoting and ensuring capacity building in public health education, training and research;
- (vii) to strengthen the health systems and build capacity of health workforce in the State of Gujarat and other States;
- (viii) to develop physical facilities and services in terms of buildings, equipment, research laboratories, studios, other materials and support systems for effective teaching of courses and programs, and for conduct of research and all other related activities;
- (ix) to establish campuses to pursue the objects of the University within and outside India;
- (x) to build a strong infrastructure and a high quality faculty for training professionals in public health and related disciplines in order to equip the country and the State of Gujarat with a large and qualified workforce for health and related activities;

- (xi) to raise financial resources by contributions, donations, grants or loans from government agencies, industries, other organisations and private individuals, for the effective functioning of the educational, research, publications and related functions of the University;
- (xii) to conduct field-research, surveys and studies to document, analyse and study the behavioural patterns and causes and effects of public health related measures;
- (xiii) to undertake publication activities to document and disseminate course material, research findings and other related matters pertaining to the developed and natural environment;
- (xiv) to develop collaborative programmes with similar institutions within and outside India having similar interests in fields of research, course development, sharing of faculties, exchange of faculties and students and such other fields;
- (xv) to prepare through education, training and collaborative research, a team of professionals with a multidisciplinary background, specialising in public health, community medicine, epidemiology, biostatisticians, public health nurses, medical microbiologists, environmental health officers, public health inspectors, public health engineers, public health lawyers, sociologists, community development workers, and other experts in the field of public health;
- (xvi) to open, found, establish, promote, set-up, maintain, assist, support and/or, help in setting up, running and/or, maintaining of libraries, research centers, laboratories and information services to promote and facilitate the aims and objectives of the University;
- (xvii) to acquire patents or licenses for general or specific purposes of all inventions or improvements or designs or innovations developed by the University and to sell, lease such patents or licences;
- (xviii) to evolve, devise, undertake, implement, promote, support and/or, coordinate strategies, plans and partnerships in association with various individuals, institutions, associations, international and national bodies and countries, non-governmental organisations, Government of India and State Governments, corporate bodies, bilateral and multilateral agencies, focusing on but not limited to, public health education in general, addressing capacity building in public health, driving public health oriented research and consultancy initiatives for shaping public health policies, creating higher standards of public health, and offering customised programmes to approach and address the public health needs of the country in general and the State of Gujarat and neighbouring States in particular;
- (xix) to take special measures to facilitate student and faculty exchanges between institutions across the world in the field of public health so as to improve the quality of teaching and learning and make it of global standards;

- (xx) to attract further awareness and social attention on the multiple dimensions of health including physical, mental and social well being through training, education, preparation of audio-video materials and their broadcasting on various channels or media;
- (xxi) to promote public health measures including nutrition, yoga, healthy lifestyle, alcohol and drug prevention, tobacco control, accident prevention, and particularly, hygiene, sanitation and cleanliness in the society, to contribute positively to the health of the society and an increase in life expectancy and the quality of life;
- (xxii) to address public health inequalities due to individual behavior and risk factors due to population such as inequality, poverty and a lack of education;
- (xxiii) to build highly competent group of professionals having strong knowledge of base and expertise in understanding assessing, analyzing and evaluating broad range of public health issues prevalent in community and society;
- (xxiv) to promote the fundamental duties enshrined under article 51A of the Constitution of India;
- (xxv) to assist Governments, through teams of experts, in preparing and implementing public health policies and programmes at the State and national level;
- (xxvi) to make the field of public health more accessible to the general public as well as professionals from across different disciplines through conferences, workshops, and an extensive internet presence through social media and health blogs;
- (xxvii) to work with the Central and State Governments as well as civil society organisations and the private sector with a view to creating meaningful career prospects and opportunities for public health professionals;
- (xxviii) to undertake, organise, assist, promote, support and coordinate the various activities aimed at creating and stimulating an awareness to address the increasing health challenges faced by India in general and the State of Gujarat and neighbouring States in particular, especially in rural and underserved areas.

**University
open to all.**

5. No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, nationality, religious belief or political or other opinion.

**Powers and
functions of
University.**

6. (1) Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

- (i) to administer and manage the University and such campuses, within the State of Gujarat for research, education, training and instructions as are necessary for the furtherance of the objects of the University;
- (ii) to conduct and to prescribe course and curricula, evaluation methods and standards, and provide for flexibility in the education system and delivery methodologies including distance learning;
- (iii) to confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the regulations;
- (iv) to confer honorary degrees or other distinctions and withdraw them in the manner prescribed by the regulations;
- (v) to establish libraries, specialized study centers, and units for research and laboratories, studios, museums, or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (vi) to conduct research in field practice areas to draw hypothesis, collect and analyse data and make conclusions for research and consulting projects as well as academic curricula;
- (vii) to collaborate or associate with, advise and to maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;
- (viii) to fix, demand and receive or recover fees and such other charges in accordance with the guidelines issued by the University;
- (ix) to prescribe by regulations the qualifications for the admission to the courses offered by the University and admit the students as per the guidelines issued by the State Government in this regard;
- (x) to create academic, technical, administrative and other posts and to make appointments thereto;
- (xi) to supervise and control the hostels and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural and sports activities;
- (xii) to appoint as deans, head of departments, professors, emeritus professors, adjunct and visiting professors, associate professors, assistant professors, readers, lectures or otherwise as teachers and researchers of the University;
- (xiii) to regulate and enforce discipline amongst the employees of the University and to provide for such disciplinary measures as may be prescribed by the regulations;

- (xiv) to receive funds from industry, national and international organizations, Government or any other source as grants, gifts, donations, benefactions, bequests and by transfers of movable and immovable properties under the intimation of the State Government;
- (xv) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purposes of the University on such terms and conditions as it may think fit and proper, and to construct or alter and maintain any such building or works;
- (xvi) to sell, exchange, lease or otherwise dispose of movable or immovable property of the University, on such terms as it may think fit and consistent with the interest, activities and objects of the University:

Provided that the University shall not sell, exchange, lease or otherwise dispose of any movable or immovable property granted by the State Government without prior approval of the State Government or without compliance of the terms and conditions on which the State Government has given approval;

- (xvii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (xviii) to invest the funds of the University on or upon such securities and transpose any investment from time to time in such manner as may be prescribed by the regulations;
- (xix) to delegate all or any of its powers to the President or the Director or any committee or sub-committee constituted by any authority of the University or to any one or more members of the authorities of the University or to any officer of the University;
- (xx) to receive and manage grant-in-aid or other financial assistance from the State Government or the Central Government, foreign Governments or trusts or private organisations;
- (xxi) to maintain the standard and quality of education and research conducted on behalf of the University; and
- (xxii) to do all such acts and things as may be necessary to further the objects of the University to cultivate and promote the education and research in the field of public health.

CHAPTER III OFFICERS OF UNIVERSITY

7. The following shall be the officers of the University, namely:- **Officers of University.**
- (i) the President,
 - (ii) the Director,
 - (iii) the Registrar, and
 - (iv) such other persons as may be declared by regulations to be the officers of the University.
8. (1) The President shall be a person of eminence having distinguished himself in his field, and preferably in the field of public health, public administration, health and medical or allied fields or social service. He shall be a person of vision and subscribe to the objectives and philosophy of the University and shall be deeply interested in academics. **President.**
- (2) The President shall be appointed by the Sponsoring Body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the regulations.
- (3) He shall, by virtue of his office, be the head of the University and shall, when present, preside over at the meetings of the Governing Council and at convocation of the University and in his absence the Director shall preside at such meetings of the Governing Council and at convocation.
- (4) The President shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or center or campuses maintained by the University and also of the examinations, teaching, research and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finance of the University.
- (5) The President shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the regulations.
9. (1) The Director shall be an eminent person of high repute and accomplished in the field of public health. He shall have track record of academic activities and academic administration. The Director shall be appointed by the Governing Council out of the panel of three persons recommended by the Search Committee consisting of the following members, namely:- **Director.**
- (i) an eminent professional, to be nominated by the Sponsoring body;
 - (ii) an eminent educationalist, to be nominated by the Executive Council; and
 - (iii) one member of the Executive Council, to be nominated by the President who shall act as the Chairperson of the committee.

(2) The Director shall be a fulltime officer of the University and shall hold office for a term of five years:

Provided that, after expiry of the term of five years, the Director shall be eligible for re-appointment for another term of five years.

(3) The Director shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University. He shall-

- (i) exercise general supervision of the management and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be the Chairman of the Academic and Research Council;
- (iv) be responsible for imparting of instructions and maintenance of discipline in the University; and
- (v) exercise such other powers and perform such other duties as may be assigned to him under this Act or the regulations or as may be delegated to him by the Governing Council or Executive Council or the President, as the case may be.

(4) Where in the opinion of the Director, it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall immediately thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Director, then such case shall be referred to the President, whose decision thereon shall be final.

(5) The emoluments and other terms and conditions of service of the Director shall be such as may be prescribed by the regulations.

(6) If President, on representation made or otherwise, and after making such inquiry as may be necessary, is of the opinion that the continuance of the Director in the office is not in the interest of the University, he shall, by an order direct the Director to relinquish his office from the date specified in the order. Such order of the President shall be subject to the ratification by the Governing Council:

Provided that before taking an action under this sub-section, the Director shall be given an opportunity of being heard.

10. (1) The Registrar shall be appointed by the President in such manner and on such terms and conditions as may be prescribed by regulations, and shall be the whole time officer of the University. Registrar.

(2) The Registrar shall exercise the following powers and perform following duties, namely:-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Governing Council and other authorities of the University, all such information as may be necessary for transaction of their business;
- (iii) such other powers and duties as may be prescribed by the regulations.

CHAPTER IV AUTHORITIES OF UNIVERSITY

11. The following shall be the authorities of the University, namely:- Authorities of University.

- (i) the Governing Council,
- (ii) the Executive Council,
- (iii) the Academic and Research Council,
- (iv) the Finance Committee, and
- (v) such other authorities as may be declared by the regulations to be the authorities of the University.

12. (1) The Governing Council of the University shall consist of the following members, namely:- Governing Council.

- (i) the President;
- (ii) the Director;
- (iii) (a) the Secretary to Government, Health and Family Welfare Department (MSME), or his representative not below the rank of Deputy Secretary to Government;
- (b) the Secretary to Government, Health and Family Welfare Department (P H & F W) or his representative not below the rank of Deputy Secretary to Government;
- (iv) the Director or the Additional Director of Public Health of Government of Gujarat- *ex-officio*;
- (v) five persons, to be nominated by the Sponsoring Body representing eminent experts in the field of education, public health and allied disciplines, public administration, industry and social work;
- (vi) one member representing Central Government not below the rank of Joint Secretary to Government, to be nominated by the Government of Gujarat in consultation with the Central Government-*ex officio*;
- (vii) two Patrons, to be nominated by the Governing Council.

- (2) The President shall be the Chairperson of the Governing Council.
- (3) (a) the term of nominated members of the Governing Council shall be three years from the date of their nomination;
- (b) an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member;
- (c) a member may be re-nominated for one more term only;
- (d) a member may resign his office by writing under his hand, addressed to the Chairperson of the Governing Council, but he shall continue in office until his resignation has been accepted by the Chairperson.
- (4) The Governing Council shall be the supreme authority of the University. All movable and immovable property of the University shall vest in the Governing Council.
- (5) The Governing Council shall have the following powers, namely:-
- (i) to control functioning of the University by using all such powers as are provided by or under this Act, the regulations or the statutes made thereunder;
- (ii) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act, or the regulations made under this Act;
- (iii) to approve the budget and annual report of the University;
- (iv) to lay down the extensive policies to be followed by the University;
- (v) such other powers as may be prescribed by the regulations.
- (6) The Governing Council shall meet at least once in a calendar year.
- (7) Minimum four members shall form a quorum for a meeting of the Governing Council.
- (8) A member of the Governing Council shall cease to be a member, if he-
- (i) tenders his resignation and such resignation is accepted; or
- (ii) becomes of unsound mind and stands so declared by a competent court; or
- (iii) becomes insolvent; or
- (iv) has been convicted of an offence involving moral turpitude.

Executive Council.

13. (1) The Executive Council shall consist of the following members, namely:-
- (i) the President,
- (ii) the Director,
- (iii) two members of the Governing Council, to be nominated by the Sponsoring Body;
- (iv) two persons who are not the members of the Governing Council, to be nominated by the Sponsoring Body;

- (v) two persons from amongst the faculty members of the University, to be nominated by the President;
- (vi) two experts in public health, to be nominated by the Governing Council.
- (2) The Registrar shall be the Member-Secretary of the Executive Council.
- (3) The President shall be the Chairperson of the Executive Council:

Provided that the President may at his discretion, nominate any of the two members of the Governing Council to be the Chairperson of the Executive Council.

- (4) The Executive Council shall meet at least three times in a calendar year.
- (5) Four members shall form a quorum for a meeting of the Executive Council.

14. (1) Subject to the provisions of this Act, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all powers of the University.

**Powers
and
functions
of
Executive
Council.**

(2) The Executive Council shall have power to review the acts of all subordinate organizational structures including the Academic and Research Council, Finance Committee and other authorities.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Executive Council shall have the following powers, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to take decisions regarding courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of Finance Committee;
- (vi) to create or abolish posts of teachers and other employees of the University;
- (vii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (viii) to appoint members of the committees subject to the regulations made under this Act;
- (ix) to delegate any of its powers to the Registrar, Deans, Deputy Deans or any other officer, employee or authority (except Governing Council) of the University or to a committee appointed by it; and
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or the regulations, and all such other powers for achieving the objects of the University.

**Term of
office and
vacancies in
Executive
Council.**

15. (1) The term of office of the nominated member of the Executive Council shall be three years.
- (2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member.
- (3) When a person becomes a member of the Executive Council by virtue of his office, he shall cease to be such member if he ceases to hold that office.
- (4) When a person is nominated as a member of the Executive Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case may be.
- (5) A member of the Executive Council shall cease to be a member, if he:-
 (i) tenders his resignation and such resignation is accepted; or
 (ii) becomes of unsound mind and stands so declared by a competent court; or
 (iii) becomes insolvent; or
 (iv) has been convicted of an offence involving moral turpitude.
- (6) A member of the Executive Council may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.
- (7) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held the office had the vacancy not occurred.
- (8) A member shall be eligible for re-nomination for a further term of three years.

**Constitution,
powers and
functions of
Academic and
Research
Council.**

16. (1) The Academic and Research Council of the University shall consist of the following members, namely:-
- (i) the Director of the University, who shall be the Chairman,
 - (ii) the Heads of Departments of all post-graduate programmes, one of whom shall be the Secretary of the Council;
 - (iii) three expert academicians from other Universities, research organisations or public health agencies, to be nominated by the President,
 - (iv) Faculties of University not exceeding three, to be nominated by the Director;
 - (v) the Registrar.
- (2) The term of office of the members shall be three years.
- (3) The Academic and Research Council of the University shall have the following powers, namely:-

- (i) to develop perspective plan for academic development of the University;
- (ii) to develop academic and research policies of the University and to exercise control and general regulation and be responsible for the maintenance and improvement of standard of instruction, education and evaluation;
- (iii) to approve new programmes and to approve changes or modifications in existing programmes;
- (iv) to approve programmes offered through distance education;
- (v) to receive reports of the Deans, Director and persons in-charge of academic programmes and make suitable recommendations in academic matters of programmes;
- (vi) to recommend to the University, the Deans and the persons in-charge of various academic programmes to make suitable changes in the programmes including methods of assessment;
- (vii) to initiate or approve research programmes including collaborative research;
- (viii) to initiate or approve collaboration with other Universities;
- (ix) to encourage and develop joint inter-disciplinary programmes;
- (x) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

(4) A member of the Academic and Research Council shall cease to be a member, if he-

- (i) tenders his resignation and such resignation is accepted; or
- (ii) becomes of unsound mind and stands so declared by a competent court; or
- (iii) becomes insolvent; or
- (iv) has been convicted of an offence involving moral turpitude.

(5) A member of the Academic and Research Council may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

17. (1) The Finance Committee shall consist of the following members, namely:-

**Constitution,
powers and
functions of
Finance
Committee.**

- (i) the Director, who shall be the Chairman;
- (ii) the Registrar;
- (iii) one member of the Executive Council, to be nominated by the President;
- (iv) a person who is expert in finance and management, to be nominated by the Chairman in consultation with the President;
- (v) any other person that the President in consultation with the Director deems fit;
- (vi) the Finance Officer of the University, who shall be the member-secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

(3) The Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Executive Committee thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Executive Council on all financial policy matters of the University;
- (iv) to make recommendations to the Executive Council on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Executive Council on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all proposals relating to revision of scale, up gradation of the scale and those items which are not included in the budget, before they are placed before the Executive council;
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations;
- (ix) to consider and approve plans of financial development of the University.

- (4) A member of the Finance Committee shall cease to be a member, if he-
- (i) tenders his resignation and such resignation is accepted; or
 - (ii) becomes of unsound mind and stands so declared by a competent court; or
 - (iii) becomes insolvent; or
 - (iv) has been convicted of an offence involving moral turpitude.

(5) A member of the Finance Committee may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

CHAPTER V

FINANCE, ACCOUNTS AND AUDITS

University Fund. 18. (1) The University shall establish a fund to be called the "University Fund".

- (2) The following shall form part of, or be paid into, the University Fund:-
- (i) all moneys received from trusts, and private individuals or institutions in name of the University;
 - (ii) income of the University from all sources including income from fees and charges;
 - (iii) all contributions or grants received from the State Government, the Central Government, the Medical Council of India, University Grants Commission or any other national or international agency, and the funds received from sponsoring body;

- (iv) loans, gifts, donations, endowments, benefactions, bequests or transfers;
- (v) all moneys received by the University from the collaborating institutions or organisations in terms of the provisions of the Memorandum of Understanding between the University and the institution or organisation for establishment of sponsored chairs, fellowships or infrastructure facilities of the University;
- (vi) all moneys, fees, charges and consultancy fees, sponsored research fees by the University and its departments, fees of specialised trainings, conferences, etc.;
- (vii) bequests, endowments funds received from individuals, donors, corporate bodies, Governments, and interests and capital gains thereof, and
- (viii) all moneys received by the University in any other manner or from any other source.

(3) All funds of the University shall be deposited in the Scheduled Banks or invested in such manner as the Executive Council may decide on recommendation of the Finance Committee.

(4) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions in such manner, as may be prescribed by the regulations.

19. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the regulations. **Accounts and audit.**

(2) The Accounts of the University shall be audited every year and in any case within six months from the date of closing of the financial year by the auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 of a firm of Chartered Accountants appointed by the Governing Council.

(3) The Accounts of the University certified by the person or firm so appointed or any other person authorised in this behalf together with the audit report thereon shall be placed before the Executive Council and thereafter before the Governing Council, and both Councils may issue such instructions to such authority of the University in respect thereof as it deems fit and the authority shall comply with such instructions.

(4) The University shall adopt a proper system of internal checks and balances and control in respect of finance, accounts and audit as may be prescribed by the regulations.

(5) The Accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants of repute appointed by the Governing Council to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Governing Council for its consideration.

(6) The accounts relating to University together with the audit report shall be placed before the Governing Council and shall also be submitted to the State Government.

(7) The State Government may conduct the test audit or full audit of the accounts of the University by the auditors appointed by the State Government, when it requires so to do.

**Annual
report.**

20. (1) The University shall prepare each year the annual report for the financial year containing such particulars as the Governing Council may specify and shall be submitted to the Governing Council on or before such date as may be prescribed by the regulations. The Governing Council shall consider such report and may pass resolutions thereon and the Executive Council shall take such action in accordance with the resolution. The action taken by the Executive Council and if no action is taken, the reasons for taking no action, shall be communicated to the Governing Council at its meeting.

(2) The copy of the annual report along with the resolution of the Governing Council thereon shall be submitted to the State Government.

CHAPTER VI SUPPLEMENTARY PROVISIONS

**Dismissal,
removal,
reduction
and
termination
of service of
staff of
University.**

21. (1) No permanent member of the teaching, other academic and non-teaching staff of the University shall be terminated, dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of charges.

(2) An appeal from an order of termination, dismissal, removal or reduction under sub-section (1) above shall be preferred to the President within ninety days from the date of the communication of such order and the decision of the President in such appeal shall be final.

**Returns and
information.**

22. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

**Assessment
for
ascertaining
the standard
of teaching,
etc.**

23. (1) The State Government may, for the purpose of ascertaining the standard of teaching, examination and research or any matter relating to the University, cause an assessment to be made in such manner as may be prescribed by the rules.

(2) The State Government shall communicate its recommendations to the University on the basis of such assessments for corrective actions. The University shall adopt such corrective measures and comply with the recommendations.

- (3) The State Government may give directions as it may deem fit if the University fails to comply with the recommendations made under sub-section (2) above within reasonable time. The directions given by the State Government shall be immediately complied by the University.

24. (1) The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Act and the regulations.

Power of State Government, to give directions, order assessments, order inquiry, appoint Administrator and dissolve University under exceptional circumstances.

(2) If the State Government has strong grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or prima facie case to believe that the University has contravened any of the vital provisions of this Act, regulations, statutes or the rules or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days' as to why an inquiry should not be ordered and administrator should not be appointed for taking over the administration of University. If the University's reply to the notice is not satisfactory, the State Government may order an inquiry as may be considered necessary.

V of 1908.

(4) The inquiry officer or officers or committee such appointed by the Government shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, production of documents and records from any office, etc.

(5) The report of the inquiry shall be given to the University authorities and they shall be given due opportunity to present their case before the Government. On hearing the University's side and the corrective steps proposed by the University, still if the State Government is not convinced of the genuine bonafides of the University administration and the State Government comes to the conclusion that continuation of the existing University administration will gravely harm the interest of the students, staff or future objectives of the University, or there is gross financial mismanagement and serious mal-administration, the Government may appoint an Administrator to manage the affairs of the University.

(6) The Administrator appointed under sub-section (5) by the State Government shall exercise all the powers and perform all the functions or duties of the Governing Council and other administrative bodies and officers of the University. The Administrator shall administer the affairs of the University until the last batch of the students admitted have taken their examinations and are awarded degrees and diplomas as well as committed and continuing research work which cannot be stopped in the middle is completed.

(7) After such degrees and diplomas are awarded and research work is finished, the Administrator shall give detailed report to the State Government as to whether the University should be closed or not.

(8) On receipt of the report under sub-section (7), the State Government shall dissolve the University or make alternate arrangements to manage the affairs of the University. If the University is dissolved, all the assets and liabilities of the University shall stand transferred to the sponsoring body.

Acts and
proceedings
not to be
invalidated
by
vacancies.

25. No act or proceeding of the Governing Council or any authority of the University or any committee constituted under this Act or by the regulations shall be invalidated on the ground merely by reason of,-

- (i) any vacancy in its membership or any defect in the constitution thereof, or
- (ii) any irregularities in its procedure not affecting merits of the case.

Protection of
action taken
in good faith.

26. No suit or other legal proceedings shall be entertained against the University or no damages or compensation shall be claimed from the University, the President, the Director, the authorities or other officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or regulations made thereunder.

Power of
State
Government
to remove
difficulties.

27. If any difficulty arising in giving the effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the commencement of this Act.

Filling up
of casual
vacancies.

28. Save as otherwise provided in this Act, when any vacancy occurs of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as may be possible, by nomination, appointment or, as the case may be, co-option of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

CHAPTER VII
REGULATIONS AND STATUTES OF UNIVERSITY

29. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. These regulations shall be ratified by the Governing Council of the University.

**Power to
make
regulations.**

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) powers and functions to be exercised and discharged by the Chairperson of the Executive Council and the President;
- (ii) constitution, powers and functions or duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iii) degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;
- (iv) academic programmes, collaboration with other Universities and collaborative programmes, setting up centres and campuses within and without the country, distance education, research, consultancy, training and continuing education;
- (v) creation of posts of Professors, Emeritus Professors, Distinguished Professors, Adjunct Professors, Visiting Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
- (vi) fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (vii) preparation of budget estimates and maintenance of accounts;
- (viii) terms and conditions applicable for association of the University with other institutions;
- (ix) powers, functions or duties of the Director, Deans and other officers, teachers and employees of the University;
- (x) matters relating to hostels including disciplinary control therein;
- (xi) constitution of pension and provident fund;
- (xii) accept donations and funds in cash or kind, movable and immovable properties and assets for the university from various sources;

- (xiii) all matters which, by this Act are to be or may be prescribed by the regulations.

(3) The regulations made under this section shall be communicated to the State Government for its information and suggestions.

Statutes. 30. (1) Subject to the provisions of this Act or the rules made thereunder, statutes of the University shall provide for all or any of the following matters, namely:-

- (i) accounting policy and financial procedure;
- (ii) representation of teachers in the authorities of the University;
- (iii) creation of new departments and abolition or restructuring of existing department;
- (iv) institution of medals and prizes;
- (v) procedure for creation and abolition of posts;
- (vi) procedure of revision of fees;
- (vii) alteration of number of seats in different disciplines;
- (viii) all other matters which by or under the provision of this Act required to be prescribed by the statutes;
- (ix) the admission of students to the University and their enrolment as such;
- (x) the courses of study to be laid down for degrees, diplomas and certification of the University;
- (xi) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
- (xii) the conditions for award of fellowships, scholarships, stipends, medals and prizes;
- (xiii) the conduct of examinations, including the terms of office and manner of appointments and the duties of examining bodies, examiners and moderators;
- (xiv) fees to be charged for the various courses, examinations, degrees or diplomas of the University;
- (xv) the conditions of residence of the students of the University;
- (xvi) provisions regarding disciplinary action against the students;
- (xvii) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (xviii) the manner of co-operation and collaboration with other Universities and institutions of higher education;
- (xix) such other matters which are required to be provided by the statutes by or under this Act.

(2) The statutes of the University other than the first statute shall be made by the Executive Council with approval of the Governing Council.

(3) The statutes made under sub-section (2) above shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modifications within two months from the date of receipt.

(4) The Governing Council shall consider the modifications suggested by the State Government and return the statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Council and may approve the statutes with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

31. (1) The first Statutes of the University shall be made by the Governing Council and shall be submitted to the State Government for its approval. **First Statutes.**

(2) The State Government shall consider the first statutes, submitted by the University and shall approve it within two months from the date of receipt with or without modifications as may be necessary.

(3) The University shall communicate its agreements to the first statutes as approved by the State Government, and if it desires not to give effect to any or all of the modifications made by the State Government, it may give reasons therefore and after considering such reasons, the State Government may or may not accept the suggestions made by the University.

(4) The State Government shall publish the first statutes as finally approved by it, in the *Official Gazette* and thereafter it shall come into force from the date of such publication.

32. The admission in colleges or institutions of the University shall be governed under the provisions of the Gujarat Professional Technical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007 and the Gujarat Professional Medical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007. **Admission.**
Guj.2 of 2008.
Guj.3 of 2008.

CHAPTER VIII RULES

33. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

CHAPTER IX
TRANSITORY PROVISIONS

**Appointment
of First
President.**

34. Notwithstanding anything contained in the section 8, the person who holds the post of Chairperson of the Governing Council of the Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first President of the University.

**Transitory
provisions for
First
Authorities
and Officers of
University.**

35. (1) Notwithstanding anything contained in this Act, -

(i) the Governing Council of the Indian Institute of Public Health Gandhinagar, functioning immediately before the date of the commencement of this Act, shall be deemed to be the first Governing Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act whichever is earlier.

(ii) The Executive Committee of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Executive Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, whichever is earlier.

(iii) The Academic Council of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Academic and Research Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, or until such Council is constituted under this Act, whichever is earlier.

(iv) The Finance Committee of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Finance Committee of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, whichever is earlier.

(v) The person who holds the post of Director of Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first Director of the University for a period not exceeding three years.

(vi) The person who holds the post of the Registrar of the Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first Registrar of the University for a period not exceeding three years.

- (vii) Other officials and Faculty of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the officials and Faculty of the University and shall function as such until the appointments are made against the respective posts.
 - (viii) The existing regulations of the Indian Institute of Public Health Gandhinagar, in so far as they are not inconsistent with the provisions of this Act, shall apply to the University until new regulations are made under this Act.
 - (ix) The existing employees of the Indian Institute of Public Health Gandhinagar, and the Faculty appointed by the Public Health Foundation of India for the Indian Institute of Public Health, Gandhinagar, shall be the employees and the Faculty of the University subject to eligibility criteria and approval of the Executive Council.
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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th March, 2015 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 11th March, 2015).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS, the Gujarat Law Society, Ahmedabad had applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS, the said application has been scrutinised by the Scrutiny Committee and on the report of Scrutiny Committee, the State Government has issued the letter of intent to the sponsoring body for establishment of the Private University;

AND WHEREAS, the State Government is satisfied that the sponsoring body has complied with the conditions of letter of intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 15, the following entry shall be inserted, namely:-

Guj. 8 of 2009.

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
"16.	G L S University, Ahmedabad.	Trust Registration No. F/47/Date:19.6.1953 (under the Gujarat Public Trusts Act, 1950) and Society Registration No. B 4/426/Date: 23.2.1927 (under the Societies Registration Act, 1860).	Gujarat Law Society Ahmedabad. "



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th March, 2015, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 12th March, 2015).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2015.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Short title.
Appropriation Act, 2015.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of five thousand eight hundred eighteen crores, forty-eight lakhs, seventy-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2015, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 58,18,48,77,000
from and out of
the Consolidated
Fund of the State
of Gujarat for the
financial year
2014-2015.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE (See sections 2 and 3)					
Demand No. of Vote/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
2	Agriculture	Revenue	156503000	39000	156542000
5	Co-operation	Revenue	4035056000	0	4035056000
		Capital	63169000	0	63169000
6	Fisheries	Revenue	477512000	0	477512000
9	Education	Revenue	16075818000	193200000	16269018000
13	Energy Projects	Revenue	12060000000	0	12060000000
		Capital	1780000000	0	1780000000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	9000	9000
22	Civil Supplies	Revenue	1166517000	33000	1166550000
24	Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	Revenue	0	97000	97000
26	Forest	Revenue	0	1222371000	1222371000
30	Council of Ministers	Revenue	6802000	0	6802000
32	Public Service Commission	Revenue	33620000	84137000	117757000
33	General Administration Department	Revenue	1000	0	1000
35	Other Expenditure pertaining to General Administration Department	Capital	111042000	0	111042000
38	Health and Family Welfare Department	Revenue	1000	0	1000
39	Medical and Public Health	Revenue	1306596000	0	1306596000
43	Police	Revenue	2000	267000	269000
44	Jails	Revenue	82791000	0	82791000
46	Other Expenditure pertaining to Home Department	Revenue	227506000	0	227506000
48	Stationery and Printing	Revenue	7828000	0	7828000
50	Mines and Minerals	Revenue	855346000	0	855346000

51	Tourism	Revenue	378000	0	378000
54	Information and Publicity	Revenue	120187000	0	120187000
57	Labour and Employment	Revenue	24854000	0	24854000
59	Legal Department	Revenue	6574000	0	6574000
60	Administration of Justice	Revenue	437029000	56898000	493927000
66	Irrigation and Soil Conservation	Capital	6736383000	150000000	6886383000
67	Water Supply	Revenue	222341000	0	222341000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	600000000	600000000
70	Community Development	Revenue	731815000	0	731815000
71	Rural Housing and Rural Development	Revenue	0	1052500000	1052500000
72	Compensation and Assignments	Revenue	222305000	0	222305000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	1722580000	0	1722580000
76	Revenue Department	Revenue	6079000	0	6079000
77	Tax Collection Charges (Revenue Department)	Revenue	67269000	0	67269000
79	Relief on Account of Natural Calamities	Revenue	72500000	0	72500000
80	Dang District	Revenue	5649000	0	5649000
81	Compensation and Assignments	Revenue	3221229000	11674000	3232903000
82	Other Expenditure pertaining to Revenue Department	Revenue	13681000	0	13681000
85	Residential Buildings	Revenue	0	353000	353000
86	Roads and Bridges	Revenue	2000	0	2000
		Capital	752677000	0	752677000

87	Gujarat Capital Construction Scheme	Capital	106529000	100000	106629000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	7642000	20000000	27642000
89	Science and Technology Department	Revenue	19999000	0	19999000
92	Social Security and Welfare	Revenue	0	3000000	3000000
		Capital	13377000	0	13377000
93	Welfare of Scheduled Tribes	Revenue	20193000	0	20193000
95	Scheduled Castes Sub-Plan	Revenue	2000	0	2000
96	Tribal Area Sub-Plan	Revenue	9099000	0	9099000
		Capital	915499000	0	915499000
98	Youth Services and Cultural Activities	Revenue	1000	0	1000
101	Urban Housing	Revenue	0	881129000	881129000
102	Urban Development	Revenue	7000	0	7000
105	Women and Child Development Department	Revenue	80000	0	80000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	0	7000000	7000000
	Total :	Revenue	43423394000	4132707000	47556101000
		Capital	10478676000	150100000	10628776000
	Grand Total :		53902070000	4282807000	58184877000



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
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TUESDAY, MARCH 31, 2015/CAITRA 10, 1937

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th March, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2015.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 31st March, 2015).

AN ACT

further to amend the Bombay Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Sixty-second Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2011. **Short title.**

- Amendment of section 63 of Bom. LXVII of 1948. 2. In the Bombay Tenancy and Agricultural Lands Act, 1948, in section 63, after sub-section (1), the following sub-section shall be inserted, namely:- Bom. LXVII of 1948.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.

- Amendment of section 54 of Sau. Ord. XLI of 1949. 3. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, in section 54, after sub-section (1), the following sub-section shall be inserted, namely:- Sau. Ord. XLI of 1949.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.

- Amendment of section 89 of Bom. XCIX of 1958. 4. In the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, in section 89, after sub-section (1), the following sub-section shall be inserted, namely:- Bom. XCIX of 1958.

“(1A) The State Government may, by notification in the *Official Gazette*, exempt from the provisions of sub-section (1), for the transfer of any agricultural land to any public trust established for the charitable purpose and which is non-profitable in nature, for the use of such land in the field of health and education, subject to such conditions as may be specified therein.”.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2015).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2016.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2015.
2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh thirty-nine thousand one hundred thirty-nine crores, thirty-five lakhs, forty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2015-2016 in respect of the services and purposes specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Withdrawal of
₹ 13,91,39,35,48,000/-
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2015-2016.

Appropriation.

SCHEUDLE					
(See Sections 2 and 3)					
Demand No. Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sum not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
1	Agriculture and Co-operation Department	Revenue	180540000		180540000
		Capital	3300000		3300000
2	Agriculture	Revenue	27095843000		27095843000
		Capital	1050000000		1050000000
3	Minor Irrigation, Soil Conservation and Area Development.	Revenue	532897000		532897000
		Capital	1099000000		1099000000
4	Animal Husbandry	Revenue	4976074000		4976074000
5	Co-operation	Revenue	4783404000		4783404000
		Capital	761200000		761200000
6	Fisheries	Revenue	1583958000		1583958000
		Capital	447000000		447000000
7	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital	4100000		4100000
8	Education Department	Revenue	114469000		114469000
9	Education	Revenue	191343109000	2255001000	193598110000
		Capital	10916749000		10916749000
10	Other expenditure pertaining to Education Department	Revenue	18946000		18946000
		Capital	410210000		410210000
11	Energy and Petro-Chemicals Department	Revenue	38773000		38773000
12	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	201005000		201005000
13	Power Projects	Revenue	47476231000		47476231000
		Capital	23383898000		23383898000
14	Other expenditure pertaining To Energy and Petro-Chemicals Department	Revenue	7100000		7100000
		Capital	1001301000		1001301000
15	Finance Department	Revenue	194703000		194703000
16	Tax Collection Charges (Finance Department)	Revenue	2359812000		2359812000

17	Treasury and Accounts Administration	Revenue	1383882000		1383882000
18	Pension and other Retirement Benefits	Revenue	64209743000		64209743000
19	Other expenditure pertaining to Finance Department	Revenue	40706412000		40706412000
		Capital	9900000	100000	10000000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	0	156058447000	156058447000
		Capital	0	59274903000	59274903000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	296567000		296567000
22	Civil Supplies	Revenue	3632473000		3632473000
23	Food	Revenue	903479000		903479000
		Capital	1429160000		1429160000
24	Other expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	101000		101000
25	Forests and Environment Department	Revenue	120951000		120951000
26	Forests	Revenue	3937690000	1900000	3939590000
		Capital	3877453000		3877453000
27	Environment	Revenue	300000000		300000000
28	Other expenditure pertaining to Forest and Environment Department.	Capital	4550000		4550000
29	Governor	Revenue		61307000	61307000
30	Council of Ministers	Revenue	40094000		40094000
31	Elections	Revenue	818908000		818908000
32	Public Service Commission	Revenue	76506000	173169000	249675000
33	General Administration Department	Revenue	1485377000		1485377000
34	Economic Advice and Statistics	Revenue	426013000		426013000
35	Other expenditure pertaining to General Administration Department	Revenue	258146000	2458000	260604000
		Capital	9636331000		9636331000
36	State Legislature	Revenue	278480000	3180000	281660000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	3407000		3407000

38	Health and Family Welfare Department	Revenue	102672000		102672000
39	Medical and Public Health	Revenue	37705839000		37705839000
		Capital	16664279000		16664279000
40	Family Welfare	Revenue	6938760000		6938760000
		Capital	114086000		114086000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue		6810000	6810000
		Capital	3000000		3000000
42	Home Department	Revenue	166053000		166053000
43	Police	Revenue	33645491000		33645491000
44	Jails	Revenue	1015863000		1015863000
45	State Excise	Revenue	156711000		156711000
46	Other expenditure pertaining to Home Department.	Revenue	1717644000	6000000	1723644000
		Capital	5915489000		5915489000
47	Industries and Mines Department.	Revenue	207106000		207106000
48	Stationery and Printing	Revenue	611389000		611389000
		Capital	56000000		56000000
49	Industries	Revenue	19551842000		19551842000
		Capital	2374700000		2374700000
50	Mines and Minerals	Revenue	3006056000		3006056000
		Capital	55000000		55000000
51	Tourism	Revenue	868157000		868157000
		Capital	4655000000		4655000000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	600050000		600050000
		Capital	2432070000		2432070000
53	Information and Broadcasting Department	Revenue	18500000		18500000
54	Information and Publicity	Revenue	916146000		916146000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	59527000		59527000
		Capital	1500000		1500000
56	Labour and Employment Department	Revenue	127430000		127430000
57	Labour and Employment	Revenue	9112681000		9112681000
		Capital	1341320000		1341320000
58	Other expenditure pertaining to Labour and Employment Department	Capital	3250000		3250000

59	Legal Department	Revenue	105614000		105614000
60	Administration of Justice	Revenue	8678838000	1136050000	9814888000
61	Other expenditure pertaining to Legal Department	Revenue	657076000		657076000
		Capital	17700000		17700000
62	Legislative and Parliamentary Affairs Department	Revenue	76943000		76943000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	700000		700000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	175291000		175291000
65	Narmada Development Scheme	Capital	4772000000		4772000000
66	Irrigation and Soil Conservation	Revenue	10191411000	4000000	10195411000
		Capital	37436766000	500000000	37936766000
67	Water Supply	Revenue	959400000		959400000
		Capital	16533000000		16533000000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue		950000000	950000000
		Capital	11000000		11000000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	94787000		94787000
70	Community Development	Revenue	17691169000		17691169000
71	Rural Housing and Rural Development	Revenue	18722529000	2155000000	20877529000
72	Compensation and Assignments	Revenue	1428691000		1428691000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	6333820000		6333820000
		Capital	34810000		34810000
74	Transport	Revenue	5067265000		5067265000
		Capital	5244717000		5244717000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	823948000		823948000
		Capital	157652000		157652000
76	Revenue Department	Revenue	297183000		297183000
77	Tax Collection Charges (Revenue Department)	Revenue	3317763000		3317763000
78	District Administration	Revenue	3930328000		3930328000

79	Relief on account Natural Calamities	Revenue	13314243000		13314243000
		Capital	1515819000		1515819000
80	Dang District	Revenue	486091000		486091000
81	Compensation and Assignment	Revenue	4727965000	900000	4728865000
		Capital	1100000	200000	1300000
82	Other expenditure pertaining to Revenue Department	Revenue	31415000		31415000
		Capital	2610000		2610000
83	Roads and Building Department	Revenue	153084000		153084000
84	Non-Residential Buildings	Revenue	6357094000	6000000	6363094000
		Capital	13256943000		13256943000
85	Residential Buildings	Revenue	1748367000		1748367000
		Capital	2254908000		2254908000
86	Roads and Bridges	Revenue	34228488000	41200000	34269688000
		Capital	23776829000	38000000	23814829000
87	Gujarat Capital Construction Scheme	Revenue	163236000		163236000
		Capital	1979321000	700000	1980021000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	171653000	150000000	321653000
		Capital	60800000		60800000
89	Science and Technology Department	Revenue	1916757000		1916757000
90	Other expenditure pertaining to Science and Technology Department	Revenue	1258227000		1258227000
		Capital	140010000		140010000
91	Social Justice and Empowerment Department	Revenue	62576000		62576000
92	Social Security and Welfare	Revenue	11952829000	19500000	11972329000
		Capital	420880000		420880000
93	Welfare of Scheduled Tribes	Revenue	2826323000		2826323000
		Capital	405293000		405293000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	1600000		1600000
95	Scheduled Castes Sub-Plan	Revenue	27999223000		27999223000
		Capital	11472525000		11472525000
96	Tribal Area Sub-Plan	Revenue	59506500000	60000000	59566500000
		Capital	39615833000	60000000	39675833000
97	Sports, Youth and Cultural Activities Department	Revenue	56601000		56601000

98	Youth Services and Cultural Activities	Revenue	2991187000		2991187000
		Capital	730100000		730100000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1150000		1150000
100	Urban Development and Urban Housing Department	Revenue	58227000		58227000
101	Urban Housing	Revenue	9298167000	1450475000	10748642000
102	Urban Development	Revenue	73107571000		73107571000
		Capital	7910000000		7910000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1482000000	300000000	1782000000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3402000		3402000
		Capital	1102000		1102000
105	Women and Child Development Department	Revenue	37565000		37565000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	17847919000	9800000	17857719000
		Capital	859900000		859900000
107	Climate Change Department	Revenue	7758000		7758000
108	Other expenditure Pertaining to Climate Change Department	Revenue	796000000		796000000
	Total:	Revenue	867452026000	164851197000	1032303223000
		Capital	299216422000	59873903000	359090325000
	Grand Total:		1166668448000	224725100000	1391393548000



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th April, 2015).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

Guj. 8 of 2009. WHEREAS the Parul Arogya Seva Mandal Vadodara has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS the said application has been scrutinized by the Scrutiny Committee and on the report of Scrutiny Committee, the State Government has issued the letter of intent to the sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring body has complied with the conditions of letter of intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 16, the following entry shall be inserted, namely:-

Guj. 8 of 2009.

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number.	Sponsoring Body.
1.	2.	3.	4.
"17.	Parul University, Vadodara.	Trust Registration No. E/4251/Vadodara, Date : 28.9.1990 (under the Gujarat Public Trusts Act, 1950).	Parul Arogya Seva Mandal, Post Office : Limda, Taluka- Waghodia, Vadodara. 391760."



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Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th April, 2015).

AN ACT

further to amend the Gujarat Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Motor Vehicles Tax (Amendment) Act, 2015. **Short title.**

Bom. LXV of
1958.

2. In the Gujarat Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), to section 12B, the following provisos shall be inserted, namely :-

**Amendment of
section 12B of
Bom. LXV of
1958.**

"Provided that if the tax due under this Act is not paid within a period of three months from the date on which such vehicle has been seized or detained, such vehicle shall be liable to be sold by auction by the taxation authority in the manner as may be prescribed :

Provided further that if the amount of tax due is not fully recovered even after the auction of such vehicle, then, it shall be competent for the taxation authority to seize or detain such other vehicle or vehicles owned or possessed or controlled by such person and sell such vehicle or vehicles by auction in the manner as may be prescribed.”.

Insertion of
new section 12
C in Bom.
LXV of 1958.

3. In the principal Act, after section 12B, the following section shall be inserted, namely :-

Tax to be first
charge on
property.

“12C. Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by the owner or a person in possession or control of a motor vehicle on account of tax, interest or penalty for which he is liable to pay to the Government, shall be a first charge on the property of such person or owner or proprietor.”.

Amendment of
section 17 of
Bom. LXV of
1958.

4. In the principal Act, in section 17,-

(i) for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted;

(ii) for the words “two hundred rupees”, the words “ten thousand rupees” shall be substituted.

Substitution of
section 19 of
Bom. LXV of
1958.

5. In the principal Act, for section 19, the following section shall be substituted, namely :-

Offence and
punishment.

“19. Whoever contravenes the provisions of section 3 of this Act shall be punishable with imprisonment for a term which may extend to six months and with fine which shall be double the amount of the unpaid tax; and the amount of interest due.”.



सत्यमेव जयते



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th April, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 7th April, 2015).

AN ACT

to provide for establishment and incorporation of a non-affiliating University to be known as the Gujarat University of Transplantation Sciences to impart proper and systematic instruction, teaching, training, and research in transplantation and allied sciences in the State of Gujarat and to confer the status of a University to Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS) and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat University of Transplantation Sciences Act, 2015.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires, -
 - (1) "Academic Council" means the Academic Council of the University constituted under section 24;

Short title and
commencement.

Definitions.

- (2) "Academic Service Unit" means a University science and instrumentation centre, animal houses, animal experimental labs, cadaver labs, academic staff college, computer centre, University printing press or any other unit providing specialized services for the promotion of any of the objectives of the University;
- (3) "approved institution" means hospital, health centre, college or such other institution recognized by the University as such in which a person may undergo training, if any, required by a course of study before any degree, diploma or other academic distinction of the University is conferred;
- (4) "Board of Governors" means a Board of Governors constituted under section 20;
- (5) "Dean" means a Dean nominated by the Vice-Chancellor with the approval of the Board of Governors under section 15;
- (6) "Department" means a department designated as such teaching a particular subject or a group of subjects or a unit set up for the purpose of imparting instruction for courses of study in transplantation and allied sciences in the University;
- (7) "Executive Council" means the Executive Council of the University constituted under section 22;
- (8) "Finance Committee" means the Finance Committee of the University constituted under section 26;
- (9) "Field Unit" means a unit established outside the University area for validating and disseminating the benefits of new techniques and practices developed by the University;
- (10) "Government" means the Government of Gujarat;
- (11) "Governing Body" means the Governing Body of the Institute;
- (12) "Hostel" means units of residence for the students of the University maintained or recognized by the University;
- (13) "Institute" means Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), registered under the Societies Registration Act, 1860; 21 of 1860.
- (14) "prescribed" means prescribed by the Regulations made under section 38;
- (15) "Pro-Chancellor" means the Pro-Chancellor of the University appointed under section 10;
- (16) "Recognized institution" means an institution of higher learning, research or specialized studies recognized as such by the University;
- (17) "Registrar" means the Registrar of the University appointed under section 16;
- (18) "Regulations" means Regulations of the University made under section 38;
- (19) "Research Laboratories" means the place where research in the field of Cell, Tissue and Solid Organ Transplantation, Bio-engineering, Bio-chemistry, Tissue-typing, Micro-arrays, Genetics and Translational Research in Humans, Animals,

Micro-organisms and Viruses, Xeno-Transplantation and such other fields is carried out;

- (20) "student" means a person enrolled in the University for undergoing a course of a study for a degree, diploma, titles or other academic distinctions of the University;
- (21) "Teacher" includes a Dean, Professor, Associate Professor, Assistant Professor and such other person(s) imparting instruction in a constituent college or approved institution and also includes Adjunct Professor;
- (22) "Transplantation" means the grafting of any living cell, tissue, part of organ or whole organ from any living or deceased organism, tissue engineered or genetically engineered structure from any organism into living being for therapeutic or research purposes;
- (23) "University" means the "Gujarat University of Transplantation Sciences" established and incorporated under section 3.

CHAPTER II UNIVERSITY

3. (1) There shall be established a University, by the name of the "Gujarat University of Transplantation Sciences".

Establishment
and
incorporation of
University.

(2) The Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer, Controller of Examinations, Board of Governors, Executive Council, Academic Council, Finance Committee and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Gujarat University of Transplantation Sciences".

(3) The University shall be a body corporate, by the name specified in sub-section (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The University shall be competent to acquire and hold property, both movable and immovable, to sell, lease or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act:

Provided that, no such sale, lease or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior sanction of the State Government.

- (5) The University shall function as a non-affiliating University.

4. The headquarters of the University shall be at Ahmedabad.

Headquarters
of University.

Jurisdiction of University.

5. (1) The University shall have its jurisdiction in the whole of the State of Gujarat.

(2) The University may assume responsibility for the establishment and maintenance of Training or Educational Centers, Research and Experimental centers and undertake extension activities and the programmes of training through such centers as may be required in various parts of the State.

(3) The University may establish additional campuses at such other places with the prior approval of the State Government within the State of Gujarat, as it may deem fit and appropriate.

Objects of University.

6. The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service and by effective demonstration in the field of transplantation and allied sciences and influence of its corporate life on society in general, and in particular the objects shall be-

- (i) to provide for efficient and responsive administration, scientific management and develop organization of teaching and research;
- (ii) to create a centre of excellence for providing educational and research facilities of high order in the field of transplantation and allied sciences in the existing super-specialties and such other super-specialties as may develop in future, including cell and tissue transplantation, solid organ transplantation, composite tissue transplantation, xeno transplantation, cell, tissue and bio-engineering, genetics and translational research in humans, animals, micro-organisms and viruses;
- (iii) to attain the highest standards of academic excellence by providing the necessary physical infrastructure and creating an intellectual environment conducive to free flow of ideas and meaningful exchange of information;
- (iv) to provide for the courses and training in paramedical and allied fields, particularly in relation to transplantation and allied sciences;
- (v) to bring about qualitative improvement in teaching and learning process;
- (vi) to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;
- (vii) to facilitate and promote studies leading to award of degrees, diplomas and certificates and other academic distinctions;
- (viii) to help foster bond between research and academic institutions for better planning, management, execution, maintenance and standards of transplantation;
- (ix) to develop as National Referral Centre in the field of cell, tissue and organ transplantation;
- (x) to do such other acts and activities as may be necessary in furtherance of the objects of the University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
University.**

- (i) to formulate and implement syllabi and curricula for various academic courses of the University;
- (ii) to establish, maintain and manage University Departments, laboratories, research laboratories, libraries, museums and equipments for teaching and research, and institutions of research and specialized studies or academic service units;
- (iii) to organize, maintain and manage centres, hostels, halls of residence, University auditoria, gymnasiums, residential accommodations for advanced/research students and staff of the University;
- (iv) to provide for dissemination of the findings of research, technology and technical information through extension educational programmes;
- (v) to hold examinations and to confer degrees, diplomas and other academic distinctions, including honorary degrees or other distinctions conferred or granted by the University in the manner and under conditions as may be prescribed by the regulations;
- (vi) to collaborate and co-operate with other Universities in such manner and for such purposes as the University may determine, including Foreign Universities, institutions, authorities or organizations or agencies for research, collaborative programmes, advisory services subject to the prior approval of the State Government and subject to the rules and regulations of the Central Government and the State Government in that behalf;
- (vii) to create post for teaching, research, extension education, administrative, ministerial and other purposes, and to make appointment, and to prescribe the qualifications in accordance with the guidelines thereto of the University Grants Commission, or concerned professional regulatory bodies;
- (viii) to institute and award fellowship, scholarships, stipends, medals, prizes and other awards, to hold and manage trusts and endowments for teachers and students of the University;
- (ix) to fix, demand, receive and recover such fees and other charges, as may be prescribed by the regulations;
- (x) to lay down and regulate the scale of salaries and allowances and other conditions of service of members of the teaching, other academic, administrative and support staff of the University. The scales of salaries and allowances shall be implemented with the approval of the State Government;
- (xi) to establish, conduct and promote centres, such as,-
 - (i) Centre of Research,
 - (ii) Centre of Education,
 - (iii) Centre of Training,
 - (iv) Centre of Extension Activities and to provide for facilities even to the remote areas of the State, etc.;

- (xii) to appoint or recognize persons working in any other University or organization as Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, and to invite Professor Emeritus, Visiting Professors of the University for specified periods, and to facilitate mobility of academic members within the University and to other universities;
- (xiii) to prescribe for conduct and discipline rules for teaching, administrative and support staff and to ensure the enforcement thereof;
- (xiv) to establish, maintain and manage whenever necessary, -
 - (i) a printing and publication department;
 - (ii) University Extension Board;
 - (iii) Information Bureaus;
- (xv) to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with approval of the Central Government or the State Government, as the case may be;
- (xvi) to lay down for teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the University, may be necessary in academic matter;
- (xvii) to institute and award degrees, diploma certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University college unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University or shall have carried on research satisfactorily under conditions as may be prescribed;
- (xviii) to develop, upgrade and start department in transplantation and allied specialties as may be required and to provide instruction for such courses of study as it may determine;
- (xix) to prescribe conditions under which the award of degree, title, diploma and other academic distinctions may be withheld;
- (xx) to institute, maintain and administer University colleges, hospitals and laboratories and institutes of research, library or other institutions necessary to carry out the objects of the University;
- (xxi) to establish, maintain and administer hostel blocks, to recognize hostels not managed by the University and to suspend or withdraw such recognition therefrom;
- (xxii) to borrow money with or without security for such purpose, as may be approved by the State Government from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act;

- (xxiii) to undertake publication of works of merit and research pertaining to Transplantation and allied Sciences;
- (xxiv) to comply with and carry out any directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities of the University; and
- (xxv) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

9. The following shall be the Officers of the University, namely:-

Officers of University.

- (i) the Pro-Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans;
- (iv) the Registrar;
- (v) the Finance and Accounts Officer;
- (vi) the Controller of Examinations; and
- (vii) such other persons as may be declared by the regulations to be the officers of the University.

10. (1) There shall be a Pro-Chancellor of the University, who shall be appointed by the State Government in consultation with the Board of Governors.

Pro-Chancellor.

(2) The Pro-Chancellor shall be an eminent person with atleast 20 years of experience in the field of transplantation which may include the experience of research in the field transplantation.

(3) The Pro-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.

(4) Where a vacancy in the office of the Pro-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Pro-Chancellor of the University in accordance with the provision of sub-section (1). Till such appoint is made by the State Government, the Vice-Chancellor shall perform the duties and discharge the functions of the Pro-Chancellor.

(5) The Pro-Chancellor may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

Powers of Pro-Chancellor.

11. (1) The Pro-Chancellor shall preside over the meetings of the Board of Governors and at the convocation of the University.

(2) The Pro-Chancellor shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Pro-Chancellor shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes of any institution or center maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government, in consultation with the Pro-Chancellor.

(2) The qualifications and other terms and conditions of the Vice-Chancellor shall be such as may be determined by the State Government.

(3) The Vice-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.

(4) Where a vacancy in the office of the Vice-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Vice-Chancellor of the University in accordance with the provision of sub-section (1).

(5) The Vice-Chancellor may resign from his office by writing under his hand addressed to the State Government through the Pro-Chancellor, and such resignation shall take effect from the date of acceptance by the State Government.

Powers and functions of Vice-Chancellor.

13. The Vice-Chancellor shall –

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Executive Council, Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are properly followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board of Governors or by the Pro-Chancellor.

14. (1) Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Pro-Chancellor or any authority or body of the University empowered under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit, and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter.

**Emergency
powers of
Vice-
Chancellor.**

(2) Where the exercise of the power by the Vice-Chancellor due to urgency of matter under sub-section (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of order of the Vice-Chancellor, otherwise such appointment shall cease to have effect.

15. (1) There shall be Deans, who shall be the academic officers of the University concerned with and responsible for implementation of the academic policies approved by the Academic Council in respect of academic development, maintenance of standards of teaching and training of teachers.

Deans.

(2) The Deans shall be nominated by the Vice-Chancellor from amongst the Professors of the University after having obtained the approval from the Board of Governors for the same.

(3) The Deans shall ensure proper implementation of the decisions of the Board of Governors and the Academic Council.

(4) The Deans shall assist the Vice-Chancellor in managing the academic and other affairs of the University and shall exercise such powers and discharge such duties as may be prescribed by the regulations or as may be entrusted by the Vice-Chancellor.

(5) The Deans shall inquire, on being directed by the Academic Council, into any malpractice related to any academic programme in any department or recognized or approved institution and report the findings to the Academic Council.

(6) The Deans shall prepare proposals for the award of fellowships, scholarships and other distinctions and shall submit the same to the Academic Council.

Registrar. 16. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Registrar shall be such as may be prescribed by the regulations.

Finance and Accounts Officer. 17. (1) The Finance and Accounts Officer shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Finance and Account Officer shall be as may be prescribed by Regulations.

Controller of Examinations. 18. (1) The Controller of Examinations shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Controller of Examinations shall be as may be prescribed by the regulations.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities of University. 19. The following shall be the authorities of the University, namely : -

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee; and
- (v) such other authorities as may be declared by the regulations to be the authorities of the University.

Board of Governors. 20. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) the Pro-Chancellor;
- (ii) the Vice-Chancellor;
- (iii) Secretary to the Government of Gujarat, Health and Family Welfare Department, *ex-officio* or his representative not below the rank of Deputy Secretary;

- (iv) Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative not below the rank of Deputy Secretary;
 - (v) Commissioner, Health, Medical Education and Medical Services, Gujarat State, *ex-officio* or his representative not below the rank of Joint Director;
 - (vi) Four members, to be nominated by the State Government, from the Governing Body of the Institute, other than *ex-officio* members, out of which two members shall be academicians in the field of transplantation.
- (2) The Registrar shall be the Secretary of the Board of Governors.
- (3) (i) The term of the nominated members shall be three years and the *ex-officio* member shall continue so long as he holds the office by virtue of he is a member of the Board of Governors.
- (ii) A nominated member shall not be eligible for re-nomination for more than two terms.
- (iii) A nominated member may resign from his office by writing under his hand addressed to the Pro-Chancellor and his resignation shall take effect from the date of acceptance of such resignation.
- (iv) The members of the Board shall be entitled to such allowances as may be prescribed by the regulations.
- (4) The Board of Governors shall meet as often as may be necessary, on the dates to be fixed by the Pro-Chancellor. However, the Pro-Chancellor may, whenever he thinks fit, convene a special meeting of the Board of Governors. The rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meeting as may be necessary shall be such as may be prescribed by the regulations.
- (5) The quorum shall not be less than three members of the Board of Governors at such meeting.
- (6) Every meeting of the Board of Governors shall be presided over by the Pro-Chancellor and in his absence, by the Vice-Chancellor and in the absence of both, by a member, who is chosen by the members present at the meeting.
- (7) The members of the Board of Governors shall not be entitled to receive any remuneration from the University, except such daily and travelling allowance as may be prescribed.

21. (1) Subject to the provisions of this Act, the Board of Governors shall be responsible for the general superintendence,

**Powers and
functions of
Board of
Governors.**

direction and control of affairs of the University, and shall exercise all the powers of the University.

(2) The Board of Governors shall have the following powers, namely:-

- (i) to hold and to control the property and funds of the University and issue any general or special instructions;
- (ii) to accept the transfer and to dispose of any movable or immovable property on behalf of the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to review decisions of other authorities of the University, if they are not in conformity with the provisions of this Act or the regulations;
- (v) to approve the budget and annual report of the University with or without modification;
- (vi) to create and maintain University regional centres, research centres, animal stations and institutions;
- (vii) to approve contract of employment or amend or repeal the earlier contract of employment with or without modification;
- (viii) to delegate any power to the Vice-Chancellor, the Registrar or any committee or sub-committee or to any one or more officers of the University;
- (ix) if urgent action by the Board of Governors becomes necessary, the Pro-Chancellor may permit the business to be transacted by circulation of papers to the members of the Board of Governors; The action proposed to be taken shall not be so taken unless agreed to, by the majority of the members of the Board of Governors. The action so taken shall be forthwith intimated to all members of the Board of Governors and the papers shall be placed before the next meeting of the Board of Governors for confirmation;
- (x) to determine the form of a common seal for the University and provide for its custody and use;
- (xi) to receive and consider report of the working of the University from the Vice-Chancellor periodically as provided by the Regulations;
- (xii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

Executive Council. 22. (1) The Executive Council shall be the principal administrative body of the University.

(2) The Executive Council of the University shall consist of the following members, namely: -

- (i) the Vice-Chancellor, who shall be the Chairman,

- (ii) Secretary to the Government of Gujarat, Health and Family Welfare Department, *ex-officio* or his representative not below the rank of Deputy Secretary;
 - (iii) Commissioner, Health, Medical Education and Research, Gujarat State, *ex-officio* or his representative not below the rank of Joint Director;
 - (iv) Two members of the Board of Governors to be nominated by it; and
 - (v) Two eminent persons in the field of transplantation sciences, to be nominated by the Board of Governors.
- (3) The Registrar shall be the Secretary of the Executive Council.
- (4) The term of office of the members other than the *ex-officio* members, shall be three years.
- (5) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as accepted by the Vice-Chancellor.

23. The powers and functions of the Executive Council shall be as follows, namely:-

**Powers and
functions of
Executive Council.**

- (i) to remove any officer from office on grounds of wilful omission or incapacity, misconduct or refusal to carry out the provisions of this Act or violation of regulatory provisions or for abuse of the powers vested in him;
- (ii) to approve proposals for submission to the Government or national or inter-national agencies or regulatory bodies;
- (iii) to appoint such committees, whether standing or temporary, as it may deem necessary for proper functioning of the University;
- (iv) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (v) to accept on behalf of the University, bequests, donations of any movable or immovable property;
- (vi) to borrow, lend or invest funds on behalf of the University on recommendation by the Finance Committee;
- (vii) to lay down policy for administering funds at the disposal of the University for specific purposes;
- (viii) to provide buildings, premises, furniture, apparatus and other means needed for the conduct of the affairs of the University;
- (ix) to create post of academic, administrative and supportive staff on the recommendation of the Academic Council as and when required;

- (x) to lay down by Regulations, on the basis of qualifications and terms and conditions of service and other guidelines approved by the State Government, from time to time, the procedure for appointment of teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;
- (xi) to create post of officers and other employees of the University, subject to prior approval of the State Government;
- (xii) to prescribe fees and other charges;
- (xiii) to make regulations;
- (xiv) to prescribe honoraria, remunerations and fees and travelling and other allowances for paper setters, examiner and other staff involved for conduct of examination, visiting faculty and for such other services rendered to the University; and
- (xv) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

Academic Council.

24. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the general control and supervision over the academic policies and be responsible for maintenance of standards of teaching, instruction, education, research and examination within the University.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Vice Chancellor, who shall be the Chairman;
- (ii) Deans;
- (iii) three Professors of the University by rotation, to be nominated by the Vice-Chancellor;
- (iv) two persons who are eminent academicians in the field of research in transplantation sciences to be nominated by the Vice-Chancellor.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of the office of the nominated members shall be three years.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

Powers and functions of Academic Council.

25. The powers and functions of the Academic Council shall be as follows, namely:-

- (i) to approve proposal for conferment of an honorary degree or distinction;
- (ii) to institute and confer such degrees, diplomas, certificates and other academic distinctions and arrange for convocation for conferment of the same, as provided by Regulations;
- (iii) to institute fellowship, travelling fellowships, scholarship, studentships, exhibitions, awards, medals and prizes and prescribe rules therefore in accordance with the Regulations made in this behalf and prizes and prescribe rules therefore in accordance with the regulations;
- (iv) to collaborate with other Universities, institutions and organisations for mutually beneficial academic programmes in accordance with the regulations.

26. (1) The Finance Committee shall consist of the following members, namely :-

**Finance
Committee.**

- (i) the Vice-Chancellor, who shall be the Chairman;
- (ii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative not below the rank of the Deputy Secretary, Finance department;
- (iii) one member of the Board of Governors, to be nominated by the Board of Governors;
- (iv) one expert in the field of finance, to be nominated by the Board of Governors;

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

27. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
Finance
Committee.**

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board of Governors on all financial policy matters of the University;

- (iv) to make recommendations to the Board of Governors on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board of Governors on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay scales, up-gradation of the scales and those items which are not included in the budget, prior to placing before the Board of Governors;
- (viii) to open accounts in any scheduled bank, operate such accounts, to give instructions to the bank and to provide for the opening and operation of such accounts;
- (ix) to operate Endowment Fund, General Fund and Development Fund;
- (x) to approve the expenditure of the University to the extent and manner as may be prescribed; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Conferment of
degrees, diplomas
and honorary
degrees, grant of
certificates by
University

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have power to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board of Governors on such terms and conditions, as may be prescribed.

Withdrawal of
degree or diploma
and other academic
distinction.

29. Notwithstanding anything contained in this Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions awarded by it for good and sufficient reasons.

CHAPTER V UNIVERSITY FUND

University
Fund.

30. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of -

- (i) any contributions or grants or loans by the State Government and the Central Government;
- (ii) any income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the

University and the industry, for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Scheduled Bank or Banks. The surplus fund, if any, shall be invested in such manner as the Board of Governors, on the recommendation of the Finance Committee, may direct or as per the instructions of the State Government issued from time to time in this behalf.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University fund shall be spent except as otherwise provided for meeting its objectives.

CHAPTER VI FINANCE, ACCOUNTS AND ANNUAL REPORT

31. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure statement and the balance sheet, in such form and in such manner as may be prescribed by the regulations.

**Accounts, audit
and annual
report.**

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed by the regulations.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant as defined by clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 or a firm of Chartered Accountants, to be appointed by the Board of Governors.

38 of 1949.

(4) The accounts of the University certified by the Chartered Accountant or a firm of Chartered Accountants so appointed together with the audit report thereon shall be placed before the Board of Governors and the Board of Governors may issue such instructions and directions to the Vice-Chancellor in respect thereof as it deems fit and the Vice-Chancellor shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board of Governors, to ensure

concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board of Governors for review.

(6) The University shall prepare in each financial year an annual report containing such particulars as the Board of Governors may specify and submit the same to the Board of Governors on or before such date as may be prescribed. The Board of Governors shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board of Governors thereon shall be submitted to the State Government.

Pension,
provident fund
and insurance.

32. (1) The University shall, with the approval of the Board of Governors, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

CHAPTER VII MISCELLANEOUS

Acts and
proceedings not
to be invalidated
by vacancies.

33. No act or proceedings of the Board of Governors or any authority of the University or any Committee or Council constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of, such Board of Governors, authority or Committee or Council of the University.

Returns and
information.

34. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them or under any law for the time being in force, from time to time.

Officers and
employees to be
public servants.

35. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation.-For the purposes of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who receives any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

36. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be terminated, dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal, reduction or termination of services of staff of University.

(2) An appeal against an order under sub-section (1) shall be preferred to the Pro-Chancellor within ninety days from the date of communication of such order and the decision of the Pro-Chancellor in such appeal shall be final.

37. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulations and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power of State Government to give directions.

38. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. The regulations shall be ratified by the Board of Governors.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board of Governors, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer and other Officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Executive Council, Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) procedure to be followed by the Board of Governors and any Committee or other body constituted by or under this

- Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) procedures and criteria to be followed in establishing courses of study and admission of students;
 - (viii) procedure to be followed for enforcing discipline in the University;
 - (ix) management of the properties of the University;
 - (x) degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
 - (xi) the conduct of examinations including the term of office and appointment of examiners;
 - (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers or equivalent academic and administrative designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
 - (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
 - (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
 - (xv) the terms and conditions for association of the University with other institutions;
 - (xvi) the preparation of budget estimates and maintenance of accounts;
 - (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
 - (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice Chancellor, officers, teachers and other employees of the University;
 - (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
 - (xxi) the powers and duties of the Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers and other officers, teachers and employees of the University;
 - (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;

- (xxiii) the authentication of the orders and the decisions of the Board of Governors;
- (xxiv) the matters relating to hostels and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxv) all matters which, by this Act, are to be or may be prescribed.

39. No suit, prosecution or other legal proceedings shall lie against and no damage shall be claimed from the University, Pro-Chancellor, Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers authorities or Officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Indemnity and legal proceedings.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

41. Notwithstanding anything contained in this Act or the regulations, any student of Smt. Gulabben Rasiklal Doshi and Kamalaben Mafatlal Mehta Institute of Kidney Diseases and Research Centre- - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), Ahmedabad who immediately before the commencement of this Act was studying and was eligible for any examination of the Gujarat University, National Board of Examinations-New Delhi, Indian College of Pathologists- Goa, or any other recognized examination forum, as the case may be, shall be permitted to complete his course in preparation therefore and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Gujarat University-Ahmedabad, National Board of Examinations- New Delhi, Indian College of Pathologists-Goa, or any other recognized examination forum, as the case may be, in such manner and for such period as may be prescribed.

Completion of courses of students.

CHAPTER VIII TRANSITORY PROVISIONS

42. Notwithstanding anything contained in this Act -

Transitory provisions for first Officers and officials of University.

- (i) the person holding the post of the Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Pro-Chancellor of the University for a period of five years;
- (ii) the person holding the post of the Deputy Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Vice-Chancellor of the University for a period of five years.
- (iii) the person holding the post of the Officer on Special Duty of the IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Registrar of the University for a period of two years;
- (iv) other officials and Faculties of the IKDRC-ITS, Ahmedabad, functioning immediately before the commencement of this Act, shall be deemed to be the officials and Faculties of the University and shall function as such until the appointments are made against the respective posts;
- (v) the existing officers and employees of the IKDRC-ITS, Ahmedabad shall be deemed to be the officers and employees of the University subject to fulfillment of eligibility criteria and approval of the Executive Council.

**Powers of First
Vice-Chancellor.**

43. The first Vice-Chancellor may, with the prior approval of the Pro-Chancellor and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which, by or under this Act and regulations, are to be exercised or performed by any authority of the University until such authority is constituted in accordance with the provisions of this Act or the regulations.



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The Gujarat Government Gazette

EXTRAORDINARY
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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th April, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th April, 2015).

AN ACT

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Court-fees (Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Guj. 4 of 2004.

2. In the Gujarat Court-fees Act, 2004 (hereinafter referred to as "the principal Act"), in section 2, after clause (b), the following clause shall be inserted, namely :-

Amendment of
section 2 of Guj.
4 of 2004.

"(bb) "e-payment" means payment or refund of court-fees under this Act by electronic mode or a system devised for that purpose, in the manner as may be prescribed."

Amendment of
section 16 of
Guj. 4 of 2004.

3. In the principal Act, the existing section 16 shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 17 of
Guj. 4 of 2004.

4. In the principal Act, the existing section 17 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 21 of
Guj. 4 of 2004.

5. In the principal Act, in section 21, after the words “or repay the same in money,” the words “which may also be made by e-payment” shall be inserted.

Amendment of
section 37 of
Guj. 4 of 2004.

6. In the principal Act, in section 37, -

- (i) in sub-section (1), after the words “shall be collected by stamps”, the words “or by e-payment” shall be inserted;
- (ii) in the marginal note, the words “by stamp” shall be deleted.

Substitution of
section 38 of
Guj. 4 of 2004.

7. In the principal Act, for section 38, the following section shall be substituted, namely :-

Stamps to be
impressed or
adhesive.

“38. In case where the payment of court-fees is made by stamps, the stamps so used shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.”.

Amendment of
section 39 of
Guj. 4 of 2004.

8. In the principal Act, in section 39, -

- (i) in clause (c), the word “and” shall be deleted;
- (ii) in clause (d), the word “and” shall be added at the end;
- (iii) after clause (d), the following clause shall be inserted, namely :-

“(e) the manner of payment of court-fees and refund thereof by e-payment.”.

Amendment of
section 42 of
Guj. 4 of 2004.

9. In the principal Act, to section 42, the following proviso shall be inserted, namely :-

“Provided that where court-fees is paid by e-payment, the officer competent to cancel the stamps shall verify the genuineness of the payment and after satisfying himself that the court-fees is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fees is paid and the entry is locked.”.



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C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th April, 2015).

AN ACT

further to amend the Gujarat Money-Lenders Act, 2011.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Money-Lenders (Amendment) Act, 2015. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Guj. 14 of 2011. 2. In the Gujarat Money-Lenders Act, 2011 (hereinafter referred to as "the principal Act"), in section 22, in sub-section (1), for the words "thirty days", the words "forty-five days" shall be substituted. Amendment of section 22 of Guj. 14 of 2011.

Amendment of
section 23 of
Guj. 14 of 2011.

3. In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) The accounts of every Money-Lender shall be audited atleast once in every year by such officer as may be specified by the State Government by notification in *Official Gazette*, in respect of those money-lenders who have made transactions upto rupees fifty lacs and in other cases by a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 or a firm of Chartered Accountants; and the audit report shall be submitted to the Registrar within such period as may be prescribed.”.

38 of 1949.

Amendment of
section 43 of
Guj. 14 of 2011.

4. In the principal Act, in section 43, -

- (i) the words “with imprisonment for a term which may extend to one year and” shall be deleted;
- (ii) in the proviso, -
 - (a) in clause (i), the words “such imprisonment shall not be less than one month and” shall be deleted;
 - (b) in clause (ii), the words “such imprisonment shall not be less than six months and” shall be deleted.



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C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7th April, 2015).

AN ACT

further to amend the Gujarat Co-operative
Societies Act, 1961.

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows :-

1. (1)* This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act"), in section 2, in clause (9), for the words "five members", the words "ten members" shall be substituted. Amendment of section 2 of Guj. X of 1962.

Amendment of
section 6 of Guj.
X of 1962.

3. In the principal Act, in section 6, in sub-section (3), for the words "five societies", the words "ten societies" shall be substituted.

Amendment of
section 8 of Guj.
X of 1962.

4. In the principal Act, in section 8, in sub-section (2), in clause (b), for the words "~~five societies~~", the words "ten societies" shall be substituted.

Amendment of
section 22 of
Guj. X of 1962.

5. In the principal Act, in section 22, after sub-section (2), the following sub-section shall be inserted, namely :-

"(2A) Any person aggrieved by the decision of a society under sub-section (2), may prefer an appeal to the Registrar within sixty days of the date of communication of the decision and such appeal shall be decided by the Registrar within a period of sixty days."

Amendment of
section 27 of
Guj. X of 1962.

6. In the principal Act, in section 27, -

- (1) after sub-section (2), the following sub-sections shall be inserted, namely :-

- "(3) No person shall exercise the right to vote at an election of a member of a committee in a financial year unless he is a member of the society for the whole of the financial year preceding the financial year in which the election is being held :

Provided that no member society of a federal society shall exercise the right to vote at an election of a member of a committee unless such society has its last accounts audited in class A, B or C.

- (4) Nothing in sub-section (3) shall apply to the first election of a committee to be held immediately after the registration of a society;"

- (2) in the marginal note, for the words "No right of membership to be exercised till due payments are made", the words "Right to vote" shall be substituted.

Amendment of
section 28A of
Guj. X of 1962.

7. In the principal Act, in section 28A, for the first proviso, the following proviso shall be substituted, namely:-

"Provided that a member -

- (i) who does not attend atleast two meetings of the general body for a consecutive period of five years; or
- (ii) who does not utilize minimum level of services as prescribed in the bye-laws for a consecutive period of five years in respect of such societies as the State Government may, by notification in the *Official Gazette*, declare;

shall be liable to be removed by the Registrar as the member of the society.”.

8. In the principal Act, in section 33, after sub-section (2), the following sub-section shall be added, namely :-

Amendment of
section 33 of
Guj. X of 1962.

“(3) A society shall authorise any officer or officers as it deems fit, for the purpose of discharging the functions as provided under sub-sections (1) and (2).”.

9. In the principal Act, existing section 41A shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

Amendment of
section 41A of
Guj. X of 1962.

“(2) A society shall authorise any officer as it deems fit, for the purpose of discharging the functions under sub-section (1).”.

10. In the principal Act, in section 51, for sub-section (2), the following sub-section shall be substituted, namely :-

Amendment of
section 51 of
Guj. X of 1962.

“(2) The share capital subscribed by the State Government under sub-section (1) may be returned to the State Government by a society in such circumstances as may be prescribed by the State Government.”.

11. In the principal Act, in section 67A, -

Amendment of
section 67A of
Guj. X of 1962.

- (i) in sub-section (1), for the word “transaction”, the words “activities of credit and recovery” shall be substituted;
- (ii) in the proviso, the words “by a majority of total membership of the society and” shall be deleted;
- (iii) after the existing proviso, the following proviso shall be inserted, namely :-

“Provided further that no such bad debt or loss shall be written off except obtaining the previous sanction of the State Government.”.

Insertion of new
section 70A in
Guj. X of 1962.

12. In the principal Act, after section 70, the following section shall be inserted, namely :-

Members
Welfare Fund.

“70A. Every society, whether liable or not, for providing such fund as provided in sections 67, 67A, 68 and 69 or the contribution under section 70, shall set aside such sum from its net profit as prescribed by the State Government for the purpose of welfare activities of its members.”.

Amendment of
section 74 of
Guj. X of 1962.

13. In the principal Act, in section 74, -

(i) for sub-section (1A), the following sub-section shall be substituted, namely :-

“(1A) (i) Except as otherwise provided herein, the managing committee of a society, which is not an apex society, shall consist of, among others, such number of elected members not exceeding twenty-one;

(ii) only the elected members shall be entitled to be the office-bearers of the managing committee.”.

(ii) for sub-section (1C), the following sub-section shall be substituted, namely :-

“(1C) (i) The term of the elected members of the managing committee and its office bearers shall be five years from the date of election :

Provided that the term of office bearers shall be two and a half years from the date of election of managing committee for the urban co-operative banks and federal societies :

Provided further that the managing committee shall fill up a casual vacancy in the committee by nomination out of the same class or categories of members in respect of which the casual vacancy has arisen within sixty days from the date of such vacancy, if the remaining term of office of the managing committee is less than half of its original term :

Provided also that in the case of the urban co-operative banks and the federal societies, the managing committee shall fill up a casual vacancy within sixty days from the date of such vacancy, failing which the State Government shall have the power to fill up such casual vacancy out of the same class or categories of members in respect of which the casual vacancy has arisen, if the remaining

term of office of the managing committee is less than half of its original term.

(ii) The elected members of the managing committee and its office bearers shall cease to hold the office on the date of expiry of their term.

Guj. 12 of 2015. (iii) Notwithstanding anything contained in clause (i), the office bearers of the urban co-operative banks and federal societies who have completed two and a half years on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, shall continue to be such office-bearer for the remainder term.

(iv) The office bearers of the managing committee of the urban co-operative banks and federal societies shall be eligible for re-election.

14. In the principal Act, in section 74C, for sub-section (2), the following sub-section shall be substituted, namely :-

Amendment of
section 74C of
Guj. X of 1962.

“(2) (i) The term of the elected members of the managing committee shall be five years from the date of election.

(ii) The term of office bearers of the managing committee shall be two and a half years from the date of election :

(iii) The managing committee shall fill up a casual vacancy within a period of sixty days from the date of such vacancy, failing which the State Government shall have the power to fill up such casual vacancy out of the same class or categories of members in respect of which the casual vacancy has arisen if the remaining term of office of the managing committee is less than half of its original term.

(iv) The elected members of the managing committee and its office bearers shall cease to hold the office on the date of expiry of their term.

(v) Notwithstanding anything contained in clause (ii), the office bearers of managing committee who have completed two and a half years on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, shall continue to be such office-bearer for the remainder term.

(vi) Nothing in clause (i) shall be applicable to the managing committee existing on the date of coming into force of the Gujarat Co-operative Societies (Amendment) Act, 2015.

(vii) The office bearers of the managing committee shall be eligible for re-election.”

Insertion of new
sections 74D and
74E in Guj. X of
1962.

15. In the principal Act, after section 74CC, the following sections shall be inserted, namely :-

Appointment of
Custodian in
certain
circumstances.

“74D. (1) Where in respect of any society including a society existing immediately before the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, a new committee of management is, for any reason whatsoever, not elected before the expiry of the term of office of members of a committee of management of such society or having been elected not functioning within a period of three months (not being a committee referred to in section 80A), except for the reason of order of the competent court due to which such election could not be held or the managing committee could not start functioning, the registrar shall by an order in writing, appoint a person or a committee of persons to be the Custodian of the society for a period of one year or until a new committee of management is elected or, as the case may be, starts functioning.

Guj. 12 of 2015.

(2) The Custodian shall arrange to hold election of such society within a period of one year and the Committee shall be constituted before the expiration of that period.

(3) The Custodian so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have powers to exercise all or any of the functions of the committee and take all such actions as may be required in the interest of the society.

(4) All acts done or purported to be done by the Custodian during the period when the affairs of the society are carried on by such Custodian, shall be binding on the new committee of management.

Motion of no
confidence.

74E. (1) A President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or any other officer by whatever designation called, who holds office by virtue of his election to that office, shall cease to be the President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or such officer, as the case may be, if a motion of no-confidence is carried at a meeting of the committee by the majority of not less than two-thirds of the total number of

members present at the meeting and voting, and such office shall thereupon be deemed to be vacant.

(2) The requisition for such special meeting shall be signed by not less than one-third of the total number of members of the committee who are entitled to vote, shall be delivered to the State Government in respect of a committee of a society which has the Registrar as its member and in other cases to the Registrar :

Provided that, no such requisition for a special meeting shall be made within a period of six months from the date on which any of the officers referred to in sub-section (1) has entered upon his office.

(3) The State Government or, as the case may be, the Registrar upon whom the requisition has been made under sub-section (2) shall convene a special meeting of the committee within a period of thirty days from the date of receipt of such requisition.

(4) The meeting shall be presided over by such officer as authorized by the State Government or the Registrar, as the case may be. The officer shall, when presiding over such meeting, have the same powers as the President or Chairman when presiding over such meeting, but shall not have the right to vote. The voting shall be by secret ballot of votes.

(5) The meeting called under this section shall not, for any reason, be adjourned.

(6) If such motion of no-confidence is rejected, no fresh motion of no-confidence shall be brought within a period of six months from the date of such rejection of the motion.”.

16. In the principal Act, in section 76, for the portion beginning with the words “The qualification for appointment” and ending with “be prescribed”, the following shall be substituted, namely :-

Amendment of
section 76 of
Guj. X of 1962.

“The qualifications, conditions of service, staff schedule, procedure of recruitment for appointment of a Manager, Secretary, Accountant or any other officer or employee of all urban co-operative banks, federal societies and specified co-operative societies as referred to in section 74C but excluding the societies of the co-operative credit structure, shall be such as may from time to time be prescribed.”.

17. In the principal Act, in section 76B, in sub-section (2), for the words “four years”, the words “six years” shall be substituted.

Amendment of
section 76B of
Guj. X of 1962.

Amendment of
section 77 of
Guj. X of 1962.

18. In the principal Act, in section 77, -

- (i) to sub-section (1), the following proviso shall be inserted, namely :-

“Provided that if such meetings is not called by the society within such period, the Registrar or any person authorized by him in that behalf may in the prescribed manner, call such meeting which shall be deemed to be a general meeting duly called by the society.”.

- (ii) in sub-section (5), in clause (i), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amendment of
section 78 of
Guj. X of 1962.

19. In the principal Act, in section 78, in sub-section (2), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Substitution of
section 81 of
Guj. X of 1962.

20. In the principal Act, for section 81, the following shall be substituted, namely:-

Supersession of
a committee and
appointment of
a Committee or
Administrator.

“81. (1) If, in respect of a committee of a society having the Registrar as its member, the State Government and in respect of a committee of a society which does not have the Registrar as its member, the Registrar, is of the opinion that -

- (i) the committee persistently makes default; or
(ii) the committee is negligent in the performance of its duties imposed on it by or under this Act or the rules made thereunder or the bye-laws; or
(iii) the committee has committed any act prejudicial to the interest of the society or its members;

the State Government or, as the case may be, the Registrar, after giving the committee an opportunity of being heard, within fifteen days from the date of issue of notice, by an order in writing, supersede the Committee and appoint —

- (a) a Committee, consisting of one or more members of the society, not being the members of the committee superseded under this sub-section, or
(b) an Administrator from amongst the officers of the Co-operation Department of the State Government -

to manage the affairs of the society for a period not exceeding one year as may be specified in the order, which period may, at the discretion of the State Government or the Registrar, as the case may be, be extended from time to time, so, however, the term of the Committee or the Administrator shall be, the remaining term of the committee in whose place he is appointed or two years in aggregate, whichever is less.

(2) Before passing an order under sub-section (1), the State Government or the Registrar, as the case may be, shall consult the co-operative financing institution if such society is indebted to it.

(3) The Committee or Administrator so appointed shall, subject to such instructions and control of the State Government or the Registrar, as the case may be, have power to exercise all or any of the functions of the committee or of any officer of the society, and take all such action as may be required in the interests of the society.

(4) The Committee or the Administrator appointed under sub-section (1) shall arrange to hold the election of the committee of the society at such time as directed by the State Government or the Registrar, as the case may be, but not later than the period as specified in sub-section (1) :

Provided that the Committee or the Administrator shall arrange to hold election for constitution of a new committee of a society in the co-operative credit structure within a period of six months from the date of the order of supersession of the said Committee.

(5) All acts done or purported to be done by the Committee or Administrator during the period during which the affairs of the society are carried on by the Committee or Administrator appointed under sub-section (1), shall be binding on the new committee.

(6) The remuneration of members of the Committee or the Administrator appointed under sub-section (1) shall be such as may be prescribed and the same shall be paid from the fund of the society.

(7) The members of the committee which has been superseded under sub-section (1), shall not be eligible to become a member of the committee of the same society for a period of six years from the date of supersession of such committee.”.

Amendment of
section 81A of
Guj. X of 1962.

21. In the principal Act, in section 81A, for sub-section (3), the following shall be substituted, namely :-

“(3) The members of the committee of a Primary Agriculture Credit Co-operative Society which has been removed under sub-section (2) shall not be eligible to become a member of the committee of the same society for a period of six years from the date of supersession of such committee.”.

Amendment of
section 82 of
Guj. X of 1962.

22. In the principal Act, in section 82, in sub-section (3), for the words “not exceeding fifteen rupees as the Registrar may think fit for each day”, the words “not exceeding one hundred rupees for each day” shall be substituted.

Amendment of
section 84 of
Guj. X of 1962.

23. In the principal Act, in section 84, -

(i) for sub-sections (1) and (2), the following sub-section and the proviso thereunder shall be substituted, namely :-

“(1) The Registrar shall audit, or cause to be audited by a person possessing prescribed qualifications and authorized by the Registrar by general or special order in writing in this behalf, the accounts of every society at least once in each year. The person so authorized shall be an auditor for the purposes of this Act :

Provided that the audit of the Central Co-operative Banks and the State Co-operative Banks shall be conducted only by the Chartered Accountants from the panel approved by the National Bank.”.

(ii) after sub-section (5), the following new sub-section shall be inserted, namely :-

“(5A) The Registrar shall, by an order, provide for a special audit of any society on its own or on the basis of the recommendation of the Reserve Bank of India or, as the case may be, the National Bank. The provisions relating to audit of accounts of the society made under this section shall also apply to such special audit.”.

(iii) after sub-section (8), the following sub-section shall be added, namely :-

“(9) The State Government may by rules, provide for the form and manner in which and the period within which the accounts of the society or the class of society shall be prepared and submitted for the purpose of online audit.”.

24. In the principal Act, for section 85, the following shall be substituted, namely :-

Substitution of section 85 of Guj. X of 1962.

Rectification of defects or irregularities in accounts and inspection report of the Society.

“85. If the result of the audit held under section 84 and inspection held under sub-section (8) of section 84, section 87 and section 88 discloses any defects in the working of the society, the society shall within a period of two months from the date of the audit and inspection report, clarify to the Registrar as regards the defects or the irregularities so pointed out in audit and inspection report, and if clarification in respect of any defect or irregularity is not accepted, take steps to rectify the defects and remedy irregularities within such period as may be specified by the Registrar and shall report to the Registrar, failing which the Registrar shall have power to impose a penalty of such amount not exceeding rupees five thousand. Where society concerned is a member of a federal society, such order shall be made after consulting the federal society.”.

25. In the principal Act, in section 93, in sub-section (1), for the words commencing from “Where in the course of” and ending with the words “Liquidator under section 110”, the words “Where, in the course of or as a result of an audit under section 84, or an inspection under sub-section (8) of section 84, or an inquiry under section 86 or an inspection under section 87 or section 88, or the winding up of a society, the Registrar is satisfied on the basis of the report made by the auditor or the person authorised to make inquiry under section 86, or the person authorised to inspect the books under subsection (8) of section 84, 87 or 88 or the Liquidator under section 110,” shall be substituted.

Amendment of section 93 of Guj. X of 1962.

26. In the principal Act, in section 107, in sub-section (1), for clause (a), the following clause shall be substituted, namely :-

Amendment of section 107 of Guj. X of 1962.

“(a) after an inquiry has been held under section 86, or an inspection has been made under any of the provisions of sub-section (8) of section 84, section 87 or section 88 or on the report of the auditor auditing the accounts of the society, or”.

27. In the principal Act, in section 114, in sub-section (1), for the words “three years”, “four years”, and “seven years”, the words “five years” “five years” and “ten years” shall be substituted, respectively.

Amendment of section 114 of Guj. X of 1962.

28. In the principal Act, in section 115E, in *Explanation-I*, for the words “consisting of three years commencing from the date of the first meeting of

Amendment of section 115E of Guj. X of 1962.

a committee”, the words “of two and a half years commencing from the date of the election of a committee” shall be substituted.

29. (1) In the principal Act, section 115G shall be deleted.

(2) The amount resting in the Urban Bank Credit Equalization Fund on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015 shall be paid back proportionally to those contributors to the fund who have contributed to the said fund.

Amendment of section 116 of Guj. X of 1962. 30. In the principal Act, in section 116, -

- (i) for the words “advancing loans, other than short term loans,” , the words “advancing loans” shall be substituted;
- (ii) in clause (vi), the word “or” occurring at the end shall be deleted;
- (iii) in clause (vii), the word “or” shall be added at the end;
- (iv) after clause (vii), the following clause shall be inserted, namely :-

“(viii) short term loans, crop loans.”.

Amendment of section 145 Z of Guj. X of 1962. 31. In the principal Act, in section 145Z, in sub-section (2), for the words “in its bye-laws, but”, the words, figures and letter “in sub-section (2) of section 74C, and” shall be substituted.

Amendment of section 147 of Guj. X of 1962. 32. In the principal Act, in section 147, in sub-section (1), -

- (i) after clause (a), the following clauses shall be inserted, namely :-

“(aa) if the officer or officers authorized under sub-section (3) of section 33 fail to discharge the functions as provided in the said section;

(aaa) if the officer authorized under sub-section (2) of section 41A fails to discharge the functions as provided in the said section;”;

- (ii) in clause (e), for the words “an Urban Co-operative Bank,” , the words, brackets and figures “in a Scheduled Co-operative Bank as defined in clause (2) of the section 2 of the Reserve Bank of India Act, 1934 and having its registered office within the State or in any Nationalised Bank” shall be substituted.

33. In the principal Act, in section 148, in sub-section (1), -

Amendment of
section 148 of
Guj. X of 1962.

- (i) after clause (a), the following clauses shall be inserted, namely :-
“(aa) if it is an offence under clause (aa) of that section, with fine which may extend to five thousand rupees;
(aaa) if it is an offence under clause (aaa) of that section, with fine which may extend to five thousand rupees”;
- (ii) in clauses (a), (b), (d), (e), (g), (g-i), (j), (k), (l), (o) and (p), for the words “five hundred rupees” the words “five thousand rupees” shall be substituted;
- (iii) in clause (c), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted;
- (iv) in clause (h), for the words “two hundred and fifty rupees”, the words “two thousand and five hundred rupees” shall be substituted;
- (v) in clauses (i), (n) and (q), for the words “one thousand rupees” the words “ten thousand rupees” shall be substituted;
- (vi) in clause (m), for the words “two thousand rupees”, the words “twenty thousand rupees” shall be substituted.

34. In the principal Act, after section 156, the following section shall be inserted, namely :-

Insertion of
new section
156A in Guj.
X of 1962.

Power of State
Government to
give directions
for e-tender
process.

“156A. The State Government may, by general or special order to be published in the *Official Gazette*, direct any society or any class of society not to render contract in relation to such matters concerning such society or the class of society and to make purchases for such amount except without following the e-tender process.”.

35. In the principal Act, after section 160, the following new section shall be inserted, namely :-

Insertion of new
section 160A in
Guj. X of 1962.

Power of State
Government to
give directions
in case of
financial stake
of Government.

“160A. (1) If the State Government, on receipt of a report from the Registrar or otherwise, is of the opinion that, in respect of such society wherein the Government has financial stake in any manner, it is necessary to issue the directions to secure the proper management of the business of the society generally, or for the affairs of the society being conducted in a manner detrimental to the interest of the members of the depositors or the creditors thereof, the State Government may issue directions to it from time to time, and the society shall be bound to comply with such directions.

(2) The State Government may modify or cancel any directions issued under sub-section (1), and in modifying or canceling such directions may impose such conditions as it may deem fit.

(3) Where the State Government is satisfied that any person responsible for complying with any directions or modified directions issued to a society under sub-sections (1) and (2) and he has failed, without any good reason or justification, to comply with the directions, the State Government may, by order, —

- (a) if the person is a member of the committee of the society, remove the member from the committee and appoint any other person as a member of the committee for the remainder of the term of his office and declare him to be disqualified to be such member for a period of six years from the date of the order ;
- (b) if the person is an employee of the society, direct the committee to remove such person from employment of the society forthwith, and if any member or members of the committee, without any good reason or justification, fail to comply with this order, remove the members, appoint other persons as members and declare them disqualified as provided in clause (a) above :

Provided that, before making any order under this sub-section, the State Government shall give a reasonable opportunity of being heard to the person or persons concerned and consult the federal society to which the society is affiliated.

(4) Nothing provided in sub-section (1) shall apply to the Urban Co-operative Banks and the societies in the co-operative credit structure.”.

Extra No. 13

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th April, 2015 is hereby published for general information.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 8th April, 2015).

AN ACT

further to amend the Acts relating to certain Universities in the State.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Universities Laws (Amendment) Act, 2013.

Short title.

Amendment of Acts
relating to certain
Universities in the
State.

2. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

SCHEDULE

Sr. No.	Short title	Extent of Amendment.	
1	2	3	
1.	The Gujarat University Act, 1949 (Bom. L of 1949).	Amendment of section 10 of Bom. L of 1949. Amendment of section 16 of Bom. L of 1949. Amendment of section 19 of Bom. L of 1949.	1. In section 10, in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted. 2. In section 16, in sub-section (1), under the heading "Class II- Ordinary Members", in paragraph (D), in clauses (i) and (ii), for the words "the Chancellor" wherever they occur, the words "the State Government" shall be substituted. 3. In section 19, in sub-section (1), in clause (xi), for the words "the Chancellor", the words "the State Government" shall be substituted.
2.	The Sardar Patel University Act, 1955 (Guj. XL of 1955).	Amendment of section 10 of Guj. 40 of 1955.	In section 10, in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted.
3.	The Veer Narmad South Gujarat University Act, 1965 (Guj. 38 of 1965).	Amendment of section 10 of Guj. 38 of 1965.	In section 10, in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted.
4.	The Saurashtra University Act, 1965 (Guj. 39 of 1965).	Amendment of section 10 of Guj. 39 of 1965.	In section 10, in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted.

5.	The Gujarat Ayurved University Act, 1965 (Guj. 40 of 1965).	Amendment of section 10 of Guj. 40 of 1965.	In section 10,- (i) in sub-section (1B), for the words "the Chancellor", the words "the State Government" shall be substituted; (ii) in sub-section (4), for the words "the Chancellor", the words "the State Government" shall be substituted.
6.	The Maharaja Krishnakumarsinhji Bhavnagar University Act, 1978 (Guj. 26 of 1978).	<p>Amendment of section 10 of Guj. 26 of 1978.</p> <p>Amendment of section 11A of Guj. 26 of 1978.</p> <p>Amendment of section 15 of Guj. 26 of 1978.</p> <p>Amendment of section 18 of Guj. 26 of 1978.</p> <p>Amendment of section 63 of Guj. 26 of 1978.</p>	<p>1. In section 10,-</p> <p>(i) In sub-section (1), the words "the Chancellor in consultation with" shall be deleted;</p> <p>(ii) in sub-section (3), for the words "and shall recommend to the Chancellor", the words "and shall recommend to the State Government" shall be substituted;</p> <p>(iii) in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>2. In section 11A, in sub-section (1), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>3. In section 15, in sub-section (1), under the heading "Class II-Ordinary Members", in paragraph (B), in clause (i), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>4. In section 18, in sub-section (1), in clause (v), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>5. In section 63, in sub-section (1), for the words "the Chancellor", the words "the State Government" shall be substituted.</p>

7.	The Hemchandracharya North Gujarat University Act, 1986 (Guj. 22 of 1986).	<p>Amendment of section 10 of Guj. 22 of 1986.</p> <p>Amendment of section 12 of Guj. 22 of 1986.</p> <p>Amendment of section 16 of Guj. 22 of 1986.</p> <p>Amendment of section 19 of Guj. 22 of 1986.</p> <p>Amendment of section 74 of Guj. 22 of 1986.</p>	<p>1. In section 10,-</p> <p>(i) In sub-section (1), the words "the Chancellor in consultation with" shall be deleted;</p> <p>(ii) in sub-section (3), for the words "and shall recommend to the Chancellor", the words "and shall recommend to the State Government" shall be substituted;</p> <p>(iii) in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>2. In section 12, in sub-section (1), in clause (b), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>3. In section 16, in sub-section (1), under the heading "Class II - Ordinary Members", in paragraph (C), in clause (i), in sub-clause (a), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>4. In section 19, in sub-section (1), in clause (xi), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>5. In section 74, in sub-section (1), for the words "the Chancellor", the words "the State Government" shall be substituted.</p>
8.	The Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003 (Guj. 5 of 2003)	<p>Amendment of section 10 of Guj. 5 of 2003.</p>	<p>1. In section 10,-</p> <p>(i) In sub-section (1), the words "the Chancellor in consultation with" shall be deleted;</p> <p>(ii) in sub-section (3), for the words "and shall recommend to the Chancellor", the words "and shall recommend to the State Government" shall be substituted;</p> <p>(iii) in sub-section (6), for words "the Chancellor", the words "the State Government" shall be substituted;</p>

		<p>Amendment of section 12 of Guj. 5 of 2003.</p> <p>Amendment of section 16 of Guj. 5 of 2003.</p> <p>Amendment of section 19 of Guj. 5 of 2003.</p>	<p>(iv) in sub-section (7), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>2. In section 12, in sub-section (1), in clause (b), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>3. In section 16, in sub-section (1), under the heading "Class II - Ordinary Members", in paragraph (B), in clause (i), in sub-clause (a), for the words "the Chancellor", the words "the State Government" shall be substituted.</p> <p>4. In section 19, in sub-section (1), in clause (xi), for the words "the Chancellor", the words "the State Government" shall be substituted.</p>
9.	The Gujarat Agricultural Universities Act, 2004 (Guj. 5 of 2004).	Amendment of section 10 of Guj. 5 of 2004.	<p>In section 10,-</p> <p>(i) in sub-section (1), in clause (a), the words "the Chancellor in consultation with" shall be deleted;</p> <p>(ii) in sub-section (3), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(iii) in sub-section (4), in the proviso, in clause (b), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(iv) in sub-section (6), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(v) in sub-section (8), for the words "the Chancellor" and "his opinion", the words "the State Government" and "its opinion" shall be substituted respectively.</p>
10.	The Shree Somnath Sanskrit University Act, 2005 (Guj. 25 of 2005).	Amendment of section 20 of Guj. 8 of 2005.	<p>In section 20, in sub-section (1),-</p> <p>(i) clause (iv) shall be deleted;</p> <p>(ii) in clause (v), for the words "two", the words "four eminent and" shall be substituted.</p>

11.	The Gujarat Technological University Act, 2007 (Guj. 20 of 2007).	Amendment of section 11 of Guj. 20 of 2007.	In section 11,- (i) in sub-section (1), the words "the Chancellor in consultation with" shall be deleted; (ii) in sub-section (3), for the words "the Chancellor", the words "the State Government" shall be substituted; (iii) in sub-section (7), for the words "the Chancellor", the words "the State Government" shall be substituted; (iv) in sub-section (8), for the words "the Chancellor" occurring at two places, the words "the State Government" shall be substituted.
12.	The Kamdhenu University Act, 2009 (Guj. 9 of 2009)	Amendment of section 12 of Guj. 5 of 2009.	1. In section 12,- (i) in sub-section (1), in clause (a), the words "the Chancellor in consultation with" shall be deleted; (ii) in sub-section (3), for the words "the Chancellor", the words "the State Government" shall be substituted; (iii) in sub-section (6), for the words "the Chancellor" wherever they occur, the words "the State Government" shall be substituted; (iv) in sub-section (7), for the words "the Chancellor", the words "the State Government" shall be substituted; (v) in sub-section (8), in clause (v), for the words "the Chancellor", the words "the State Government" shall be substituted; (vi) in sub-section (9), for the words "the Chancellor", the words "the State Government" shall be substituted. 2. In section 21, in sub-section (1), for the words "The Chancellor", the words "The State Government" shall be substituted.
13.	The Children's University Act, 2009 (Guj. 15 of 2009).	Amendment of section 12 of Guj. 15 of 2009.	1. In section 12,- (i) in sub-section (1), the words "in consultation with the Chancellor" shall be deleted;

		Amendment of section 13 of Guj. 15 of 2009.	<p>(ii) in sub-section (3), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(i) in sub-section (5), for the words "the Chancellor" the words "the State Government" shall be substituted;</p> <p>(ii) in sub-section (6), the words "in consultation with the Chancellor" shall be deleted.</p> <p>2. In section 13,-</p> <p>(i) in sub-section (4), for the words "the Chancellor" occurring at two places the words "the State Government" shall be substituted;</p> <p>(ii) in sub-section (5), the words "the Chancellor in consultation with" shall be deleted.</p>
14.	The Indian Institute of Teacher Education, Gujarat Act, 2010 (Guj. 8 of 2010).	<p>Amendment of section 12 of Guj. 8 of 2010.</p> <p>Amendment of section 13 of Guj. 8 of 2010.</p> <p>Amendment of section 38 of Guj. 8 of 2010.</p>	<p>1. In section 12,-</p> <p>(i) in sub-section (1), the words "in consultation with the Chancellor" shall be deleted;</p> <p>(ii) in sub-section (3), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(iii) in sub-section (5), for the words "the Chancellor", the words "the State Government" shall be substituted;</p> <p>(iv) in sub-section (6), the words "in consultation with the Chancellor" shall be deleted.</p> <p>2. In section 13,-</p> <p>(i) in sub-section (4), for the words "the Chancellor" occurring at two places, the words "the State Government" shall be substituted;</p> <p>(ii) in sub-section (5), the words "the Chancellor in consultation with" shall be deleted.</p> <p>3. In section 38, in sub-section (1), for the words "the Chancellor" occurring at two places, the words "the State Government" shall be substituted.</p>



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2015 is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 10th April, 2015).

AN ACT

Further to amend the Gujarat Agricultural Produce Markets Act, 1963

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Agricultural Produce Markets Act, 1963 (hereinafter referred to as "the principal Act"), in section 11, -

Amendment of section 11 of Guj. XX of 1964.

(1) in sub-section (1), -

(a) for clause (i), the following clause shall be substituted, namely :-

"(i) eight agriculturists, whose names are enlisted in the voters' list published by the Election Commission of India

for such market area, shall be elected by the members of managing committee of the Primary Agricultural Credit Co-operative Societies dispensing agricultural credit in the market area;”;

(b) in clause (ii), the words “who have traded in full conformity with the terms and conditions of the licence in the previous financial year and the fees payable by them has not remained unpaid” shall be added at the end;

(c) in clause (iii), for the words “situate in the market area and holding general licences,”, the words and letters “situate in the market area, holding general licences, engaged in the business in conformity with their respective objects and have their last accounts audited in class A, B or C, as the case may be,” shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Nothing contained in clauses (i), (ii) and (iii) of sub-section (1), shall be applicable to the market committees existing on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015 till the expiry of its term.”;

Guj. 14
of
2015.

(3) in sub-section (4),-

(i) in clause (a), for the words “four years”, the words “five years” shall be substituted;

(ii) to clause (a), the following proviso shall be inserted, namely :-

“Provided that the term office of the existing market committee on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be four years.”;

Guj. 14
of
2015.

(iii) to clause (b), the following provisos shall be inserted, namely :-

“Provided that the term of the office of the Chairman and the Vice-Chairman of the Market Committee shall be two and a half years but shall not extend beyond the term of the market committee:

Guj. 14
of
2015.

Provided further that the term of the office of the Chairman and the Vice-Chairman who have completed the term of two and a half years on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be co-extensive with the term of the market committee.”.

3. In the principal Act, in section 13, -

Amendment of
section 13 of
Guj. XX of 1964.

(1) the existing sub-section (1) shall be renumbered as clause (i) of that sub-section and in clause (i) as so renumbered, -

(i) the words “on the recommendation of the market committee supported by atleast two-thirds of the whole number of members” shall be deleted;

(ii) first proviso to clause (i) shall be deleted;

(2) after clause (i), the following clause shall be added, namely :-

“(ii) A member, if removed under clause (i), shall be disqualified to be eligible for becoming a member of the same market committee for a period of six years.”.

4. In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj. XX of 1964.

Disqualification
of a member of
market
committee.

“13A. In case where a member of the market committee who is sued under section 50 and is found guilty of misapplication of its money, he shall cease to be a member of such market committee and shall be disqualified for a period of six years for being a member of that committee.”.

5. In the principal Act, in section 17, for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment of
section 17 of
Guj. XX of 1964.

“(1) Every market committee shall elect one of its members who is an agriculturist, from the members of the classes specified in clauses (i) and (iii) of sub-section (1) of section 11, to be its Chairman and another member from the members of the classes specified in clauses (i), (ii) and (iii) of sub-section (1) of section 11, to be its Vice-Chairman in such manner as may be prescribed.”.

6. In the principal Act, after section 17, the following section shall be inserted, namely:-

Insertion of new
section 17A in
Guj. XX of 1964.

Motion of no-
confidence
against
Chairman or
Vice-Chairman.

“17A. (1) One-third of the total number of members of the market committee intending to move a motion of no-confidence against the Chairman or the Vice-Chairman, as the case may be, may give a notice thereof to the Director, where the Deputy Director and District Registrar (Co-operative Societies) is the member of such committee; and to the Deputy Director and the District Registrar (Co-operative Societies) where the Co-operative Officer (Marketing) is the member of such committee:

Provided that no such no-confidence motion shall be moved against the Chairman or, as the case may be, the Vice-Chairman, unless he has completed a period of six months in his office:

Provided further that no such no-confidence motion shall be moved again within six months from the date such motion had failed earlier.

(2) The Director or the Deputy Director and District Registrar referred to in sub-section (1) or any officer authorised by him shall convene an extra-ordinary general meeting of the members of the market committee within thirty days of the receipt of the notice of such no-confidence motion to decide on such motion by method of secret ballot voting.

(3) Where the no-confidence motion is carried by the majority of not less than two-thirds of the total number of members present at the meeting and voting, the Chairman or, as the case may be, the Vice-Chairman shall cease to hold the office.”.

Amendment of
section 26 of
Guj. XX of 1964.

7. In the principal Act, the existing section 26 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in this Act, a market committee shall, as directed by the Director with the approval of the State Government, in the circumstances and exigencies which warrant such directions, carry on the business of buying or selling of such agricultural produce or of processing of such agricultural produce for sell, for a specified period for which such market committee shall not require any licence under this Act.”.

Amendment of
section 27 of
Guj. XX of 1964.

8. In the principal Act, in section 27, -

(1) in sub-section (1), after the words “a general licence or a special licence”, the words “within ninety days of making an application for such licence” shall be inserted;

(2) to sub-section (1), the following proviso shall be inserted, namely :-

“Provided that the general licence shall be granted or renewed only for the purchase and sale of such agricultural produce as has been declared by the Director under section 5 of this Act.”;

(3) in sub-section (3), -

(i) in clause (iv), the word “or” shall be added at the end;
(ii) after clause (iv), the following clauses shall be inserted, namely :-

“(v) if, the licensee has not carried out the sale and purchase of agricultural produce for which the licence has been granted or renewed in conformity with the terms and conditions of the licence for the entire previous financial year;

(vi) if, the market fee payable under section 28 of this Act remains unpaid :”.

9. In the principal Act, in section 28, after sub-section (2), the following sub-section shall be added, namely:- **Amendment of section 28 of Guj. XX of 1964.**

“(3) (i) The market committee shall allow the trade in those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 for such market area.

(ii) The market committee may collect user charges for allowing the trade as provided in clause (i), at the rate not less than thirty paise and not exceeding two rupees per every hundred rupees.”.

10. In the principal Act, in section 31C, in sub-section (2), in clause (a), **Amendment of section 31C of Guj. XX of 1964.**

(i) in sub-clause (i), after the word “process”, the words “and trade” shall be inserted;

(ii) sub-clause (ii) shall be deleted.

11. In the principal Act, in section 31D, in sub-section (3), for the words, figures and letter “under section 34L,”, the words, figures and letter “under section 34L and to such market committee of the market area in which it is operating” shall be substituted. **Amendment of section 31D of Guj. XX of 1964.**

Amendment of section 33 of Guj. XX of 1964.

12. In the principal Act, in section 33, in clause (5), for the words, figures and letters “and loans not exceeding Rs. 2,000 in the aggregate to the officers and servants employed by it”, the words “and loans for such amount, at such rate of interest and for such purposes as may be determined by the market committee to the officers and servants employed by it” shall be substituted.

Amendment of
section 47 of
Guj. XX of 1964.

13. In the principal Act, the existing section 47 shall be renumbered as sub-section (1) of that section and –

- (i) in sub-section (1) as so renumbered, in clause (b), the words beginning with “and to make a return reply” and ending with “doing anything” shall be deleted;
- (ii) after sub-section (1), the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in sub-section (1), the Director shall have power to cancel such proceedings called for under sub-section (1), in case market committee refrains from taking actions as directed by the Director within the period as specified by him.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2015, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 10th April, 2015).

AN ACT

further to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2015.

Short title
and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LIX
of 1949. 2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 20, -

- (1) sub-sections (3), (4), (5) and (6) shall be deleted;
- (2) after sub-section (6), the following sub-sections shall be inserted, namely :-

“(7) (i) The term of the members appointed under sub-section (2) shall be two and a half years;

(ii) the members shall be eligible for re-appointment.”.

(8) Notwithstanding anything contained in sub-section (7), the term of the existing members of the Standing Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act of 2015, till a new Standing Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. 15 of 2015.

Guj. 15 of 2015.

Guj. 15 of 2015.

Amendment
of section 21
of Bom. LIX
of 1949.

3. In the Municipal Corporations Act, in section 21, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :-

“(1) The members of the Standing Committee shall appoint one of its members to be the Chairman on the same day on which they are appointed under sub-section (2) of section 20. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. 15 of 2015.

Guj. 15 of 2015.

Guj. 15 of 2015.

Amendment
of section
25 of Bom.
LIX of 1949.

4. In the Municipal Corporations Act, in section 25, -
- (i) for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely :-

“(5) The term of the members of the Transport Committee shall be two and a half years :

Provided that such term shall not extend beyond the term of the Corporation.

(6) The members shall be eligible for re-appointment.

Guj. 15 of
2015.

Guj. 15 of
2015.

Guj. 15 of
2015.

(7) Notwithstanding anything contained in sub-sections (5) and (6), the term of the existing members of the Transport Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Transport Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

5. In the Municipal Corporations Act, in section 27, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

Amendment
of section
27 of Bom.
LIX of 1949.

“(1) The Transport Committee shall at its first meeting which shall be held on the same day of its constitution appoint one of its member to be the Chairman. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

Guj. 15 of
2015.

Guj. 15 of
2015.

Guj. 15 of
2015.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the existing Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

6. In the Municipal Corporations Act, in section 30, -

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

Amendment
of section
30 of Bom.
LIX of 1949.

“(3A) The term of the members of every Special Committee appointed by the Corporation upon the general elections held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”;

Guj. 15 of
2015.

(2) sub-section (7) shall be deleted.

Guj. 34 of
1964.

7. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the Municipalities Act”), in section 53, -

Amendment
of section
53 of Guj.
34 of 1949.

(i) existing sub-section (1) shall be renumbered as clause (i) of that sub-section;

(ii) to clause (i), as so renumbered, the following proviso shall be inserted, namely :-

“Provided that the term of the Executive Committee constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”;

Guj. 15
of 2015.

(iii) after clause (i), the following clause shall be inserted, namely :-

“(ii) the members shall be eligible for re-appointment.”.

Amendment
of section
55 of Guj.
34 of 1964.

8. In the Municipalities Act, in section 55, to sub-section (2), the following proviso shall be inserted, namely :-

“Provided that the term of such committees constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

Guj.15
of 2015.

Amendment of
section 59 of
Guj. 34 of
1964.

9. In the Municipalities Act, in section 59, to sub-section (2), the following proviso shall be inserted, namely :-

“Provided that the term of Chairman of any such committee appointed by the municipality upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

Guj.15
of 2015.

Amendment of
section 51 of
Guj. 18 of
1993.

10. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 51, in the marginal note, the words “Sarpanch and” shall be deleted.

Guj. 18
of 1993.

Amendment of
section 55 of
Guj. 18 of
1993.

11. In the Panchayats Act, in section 55, in sub-section (2), in clause (iii), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Amendment of
section 61 of
Guj. 18 of
1993.

12. In the Panchayats Act, in section 61, -

(1) (i) in proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

“Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”;

Guj. 15
of 2015.

(2) in sub-section (2), the words “Sarpanch or” occurring at two places shall be deleted.

Guj. 15
of 2015.

Substitution
of section 67
of Guj. 18 of
1993.

13. In the Panchayats Act, for section 67, the following section shall be substituted, namely :-

“67. (1) Save as otherwise provided in the Act, the term of office of members of a Taluka Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a Taluka Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the Taluka Panchayat by the competent authority within thirty days before the expiry of the term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-appointment.

(5) If, during the term of his office under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

Guj. 15
of 2015.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

14. In the Panchayats Act, in section 75, -

Amendment
of section 75
of Guj. 18 of
1993.

(1) (i) in proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:-

Guj. 15
of 2015.

Guj. 15
of 2015.

“Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”;

(2) in sub-section (2), for the word and figures “section 62”, the word and figures “section 63” shall be substituted.

15. In the Panchayats Act, for section 81, the following section shall be substituted, namely :-

Substitution of
section 81 in
Guj. 18 of
1993.

Term of office
of members of
district
panchayat and
of President
and Vice-
President.

“81. (1) Save as otherwise provided in the Act, the term of office of the members of a District Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a District Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the District Panchayat by the competent authority within thirty days before the expiry of the said term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-election.

(5) If, during the term of his office under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

Guj. 15
of 2015.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years as such on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

Amendment of
section 87 of
Guj. 18 of
1993.

16. In the Panchayats Act, in section 87, in the marginal note, the word “education” shall be deleted.

Amendment of
section 89 of
Guj. 18 of
1993.

17. In the Panchayats Act, in section 89,
(i) in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;
(ii) after the existing proviso, the following proviso shall be inserted, namely:-

“Provided, however, that vacancy in the office of a member, if any, existing on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, may not be filled till the general election is held for re-constituting the panchayat immediately after coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. 15 of
2015.

Guj. 15 of
2015.

Amendment of
section 91 of
Guj. 18 of
1993.

18. In the Panchayats Act, in section 91, after the existing proviso the following proviso shall be added, namely :-

“Provided further that in case where such meeting is not called by the Sarpanch within a period of one month from the date of receipt of such written request, it shall be competent for the Taluka Development Officer to call such meeting on such date as may be specified by him.”.

Amendment of
section 98 of
Guj. 18 of
1993.

19. In the Panchayats Act, in section 98, –

- (1) in sub-section (1), the words “who are not related to any of the members or the Sarpanch, as the case may be, of the village panchayat” shall be added at the end;
- (2) after sub-section (1), the following *Explanation* shall be inserted, namely :-

“*Explanation.*— For the purposes of this sub-section, the parents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law shall be deemed to be related to a member or the Sarpanch, as the case may be, of the village panchayat.”.

Amendment
of section 100
of Guj. 18 of
1993.

20. In the Panchayats Act, in section 100, in sub-section (3), in the proviso, for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted.

Amendment
of section 123
of Guj. 18 of
1993.

21. In the Panchayats Act, in section 123, in sub-section (9), for clause (b) and the proviso thereto, the following clause and provisos thereunder shall be substituted, namely :-

“(b) the term of the Executive Committee and the Social Justice Committee, shall be two and a half years :

Guj. 15 of 2015. Provided that the term of the existing Executive Committee which has not completed a term of two years on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier :

Guj. 15 of 2015. Provided further that the term of the existing Social Justice Committee which has completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat.”.

22. In the Panchayats Act, in section 131, in the proviso to sub-section (4), for the words “two hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

Amendment of section 131 of Guj. 18 of 1993.

23. In the Panchayats Act, in section 145, -

(1) in sub-section (1), in clause (vi), for the word and figures “section 241”, the word and figures “section 243” shall be substituted;

Amendment of section 145 of Guj. 18 of 1993.

(2) for sub-section (9), the following sub-section shall be substituted, namely :-

“(9) (i) The term of the committees constituted under sub-section (1) shall be two and a half years :

Guj. 15 of 2015. Provided that the term of the existing Social Justice Committee and Education Committee which have completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat :

Guj. 15 of 2015. Provided further that the term of the Committees other than the Social Justice Committee and the Education Committee which have not completed a term of two years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier.

(ii) The term of the committee or committees constituted under sub-section (2) shall not exceed one year.”.

24. In the Panchayats Act, in section 200, -

Amendment of section 200 of Guj. 18 of 1993.

(i) in sub-section (1), in clause (xvi), after the word “premises”, the words “including shops and stalls” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), it shall be compulsory for a village panchayat to levy taxes and fees as referred to in clauses (i), (viii) and (ix) of said sub-section.”.

Amendment
of section 243
of Guj. 18 of
1993.

25. In the Panchayats Act, in section 243, -
- (i) in sub-section (1), for the words and figures "sections 104, 200 and 241", the words and figures "sections 104, 200 and 242" shall be substituted;
 - (ii) in sub-section (3), for the words "two years", the words "two and a half years" shall be substituted.



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2015 is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 10th April, 2015).

AN ACT

further to amend the Gujarat Primary Education Act, 1947.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Primary Education (Amendment) Act, 2015. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LXI of
1947.

2. In the Gujarat Primary Education Act, 1947, in section 10, after sub-section (1), the following sub-section shall be inserted, namely :- Amendment of section 10 of Bom. LXI of 1947.

“(1A) (i) Subject to the other provisions of this Act, the term of the Chairman and the Vice-Chairman of every Municipal School Board shall be two and a half years :

Provided that despite the completion of such term, the Chairman and the Vice-Chairman shall continue in office until new Chairman and Vice-Chairman are elected :

Provided further that the Chairman and the Vice-Chairman who have completed more than two and a half years on the date of commencement of the Gujarat Primary Education (Amendment) Act, 2015, shall continue to hold such office till a new Municipal School Board is constituted and the Chairman and the Vice-Chairman are elected in accordance with the provisions of this Act.

Guj. 16
of 2015.

(ii) The Chairman and the Vice-Chairman shall be eligible for re-election.”.



सत्यमेव जयते

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ARVIND AGARWAL,
Additional Chief Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 15th April, 2015).

AN ACT

further to amend the Gujarat District Planning Committees Act, 2008.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat District Planning Committees (Amendment) Act, 2015.

Short title

Guj. 11 of
2008.

2. In Gujarat District Planning Committees Act-2008 (hereinafter referred to as "the principal Act", in section 3,-

(1) in sub-section (1), for the words "not less than thirty and not more than forty as it may determine", the words "as may be determined by the State Government for each of such districts" shall be substituted;

Amendment of
section 3 of
Guj. 11 of
2008.

(2) in sub-section (2),-

Amendment of
section 9 of
Guj. 11 of
2008.

- (a) clause (v) shall be deleted;
 - (b) in clause (vi), for the words "as determined", the words "as may be determined" shall be substituted .
3. In the principal Act, in section 9, -
- (1) in sub-section (2), for the words " Minimum of ten members", the words "One-third of the total members" shall be substituted;
 - (2) for sub-section (3), the following sub-section shall be substituted, namely:-
"(3) The District Planning Officer shall be the ex-officio Secretary of the Committee who shall maintain records and the proceedings of the meeting of the Committee and shall take such action as the Committee may decide".

Extra No. 18



सत्यमेव जयते

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ARVIND AGARWAL,

Additional Chief Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 15th April, 2015).

AN ACT

further to amend the Maharaja Sayajirao University of Baroda Act. 1949.

Short title and
commencement

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 2015.

(2) It shall come into force at once.

2. In the Maharaja Sayajirao University of Baroda Act, 1949, in section 9, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Shrimati Shubhangini Raje Gaekwad shall be the Chancellor of the University."

Amendment of
section 9 of
Baroda Act, No.
XVII of 1949.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 9th June, 2015, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2015.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 18th June, 2015).

AN ACT

further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad, for the purposes hereafter appearing.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 18 of XV of 1882. 2. In the Presidency Small Cause Courts Act, 1882, in its application to the City of Ahmedabad (hereinafter referred to as "the principal Act"), in section 18, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted. XV of 1882.

Amendment of section 20 of XV of 1882. 3. In the principal Act, in section 20, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted.

Amendment of section 22 of XV of 1882. 4. In the principal Act, in section 22, in clause (b), for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Amendment of section 41 of XV of 1882. 5. In the principal Act, in section 41, for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Substitution of section 71 of XV of 1882. 6. In the principal Act, for section 71, the following section shall be substituted, namely:-

Court-fees. "71. The Court-fees leviable in suits, appeals and applications under this Act shall be the same as are leviable under Chapter II of the Gujarat Court-fees Act, 2004 and the provisions of that Act shall, *mutatis mutandis*, apply to the recovery of such court-fees." Guj. 4 of 2004.

Substitution of section 72 of XV of 1882. 7. In the principal Act, for section 72, the following section shall be substituted, namely:-

Process fees. "72. Save as otherwise provided by or under any provision of this Act, the fees chargeable for serving and executing any processes issued by the Small Cause Court, Ahmedabad shall be the same as are prescribed by the High Court of Gujarat under section 32 of the Gujarat Court-fees Act, 2004." Guj. 4 of 2004.

Transfer of pending cases. 8. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value two lacs rupees but does not exceed ten lacs rupees pending in the Courts of City Civil, Ahmedabad immediately before the commencement of the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015 shall after such commencement, stand transferred, to and be disposed of by the Judge, Court of Small Cause, Ahmedabad within the local limit of his ordinary jurisdiction. Guj. 19 of 2015.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th June, 2015, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2015.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 1st July, 2015).

AN ACT

further to amend the Provincial Small Cause Courts Act, 1887 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Provincial Small Cause Courts (Gujarat Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 15 of
IX of 1887.

2. In the Provincial Small Cause Courts Act, 1887, in its application to the State of Gujarat, in section 15, in sub-section (3), for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Transfer of
pending cases.

3. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value two lacs rupees but does not exceed ten lacs rupees pending in the District Courts immediately before the commencement of the Provincial Small Cause Courts (Gujarat Amendment) Act, 2015 shall after such commencement stand transferred to and be disposed of by the Judge, Small Cause Court within the local limit of his ordinary jurisdiction.

Guj. 20 of
2015.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 24th July, 2015.

GUJARAT ORDINANCE NO. 1 OF 2015.

AN ORDINANCE

further to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993;

Bom. LIX of 1949.
Guj. 34 of 1964.
Guj. 18 of 1993.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.**- (1) This Ordinance may be called the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Bom. LIX of 1949, Guj. 34 of 1964 and Guj. 18 of 1993 to be temporarily amended.**-During the period of operation of this Ordinance, the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 shall have effect subject to the amendments specified in sections 3 to 11.

Bom. LIX of 1949
Guj. 34 of 1964.
Guj. 18 of 1993.

3. **Amendment of section 10 of Bom. LIX of 1949.**- In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 10, after sub-section (3), the following sub-section shall be added, namely :-

Bom. LIX of 1949.

"(4) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 16D, subject to the decision in appeal, if preferred under section 16E."

4. **Amendment of section 15 of Bom. LIX of 1949.**- In the Municipal Corporations Act, in section 15, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-

"Provided, however, that such vacancy of a councillor in any Corporation, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015 for constituting the other Corporations whose term are due to expire."

Guj. Ord. 1 of
2015.

5. **Amendment of section 11 of Guj. 34 of 1964.**- In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 11, after sub-section (4), the following sub-section shall be added, namely :-

Guj. 34 of 1964.

"(5) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 15D, subject to the decision in appeal, if preferred under section 15E."

6. ***Amendment of section 42 of Guj. 34 of 1964.***-In the Municipalities Act, in section 42, to sub-section (2), the following proviso shall be inserted, namely:-

Guj. Ord. 1 of
2015.

“Provided, however, that vacancy of a councillor in any municipality, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015 for constituting the other municipalities whose term are due to expire.”.

7. ***Amendment of section 266 of Guj. 34 of 1964.***- In the Municipalities Act, in section 266, in sub-section (1), to clause (i), the following proviso shall be inserted, namely:-

Guj. Ord. 1 of
2015.

“Provided, however, that if any such election is required to be held on the date of coming into force the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015, or immediately thereafter, if could not be held within such period of six month, the same shall be held at the time of general elections, if the same are to be held on or before 31st December, 2015, for constituting the other municipalities whose term are due to expire.”.

8. ***Amendment of section 266B of Guj. 34 of 1964.***- In the Municipalities Act, in section 266B, to clause (dd), the following proviso shall be inserted, namely :-

Guj. Ord. 1 of
2015.

“Provided, however, that if any such municipality is required to be reconstituted on the date of coming into force of the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015 or immediately thereafter, if could not be reconstituted within such period of six months, the same shall be reconstituted at the time of general elections if the same are to be held on or before 31st December, 2015 for constituting other municipalities whose term are due to expire;”.

9. ***Amendment of section 277 of Guj. 34 of 1964.***- In the Municipalities Act, in section 277, to sub-section (3), the following proviso shall be inserted, namely:-

“Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.”.

Guj. 18 of 1993.

10. ***Amendment of section 30 of Guj. 18 of 1993.***- In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in

section 30, after sub-section (2), the following sub-section shall be added, namely:-

“(3) A person shall be disqualified to continue as a member of a Panchayat if such person has been declared as a defaulter voter under sub-section (3) of section 34D subject to the decision in appeal, if preferred under section 34E.”.

11. *Amendment of section 274 of Guj. 18 of 1993.*- In the Panchayats Act, in section 274, for sub-section (5), the following sub-section shall be substituted, namely:-

“(5) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section:

Provided further that such previous publication of the rules shall not be necessary where the rules provide for any of the matters specified in Chapter XIII.”.

STATEMENT

The State Government has inserted certain provisions in the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 for the purpose of making it obligatory on the voters to vote at an election as also for providing fifty per cent. reservation of seats for women in the local bodies vide the Gujarat Local Authorities Laws (Amendment) Act, 2009 (Guj. Act No. 21 of 2014). The said provisions so inserted *inter alia* provide for prescribing by rules the disadvantages or consequences to be suffered by a defaulter voter. In this context it is thought fit to disqualify a person to continue as a councillor or a member of the Corporation, the Municipality or the Panchayat, as the case may be, if he is declared as a defaulter voter and therefore necessary provisions to that effect have been incorporated in the above said three Acts.

Since as stated herein above fifty per cent. reservation of seats for women in the local bodies and compulsory voting in such bodies are to be implemented for the first time in the ensuing general elections of the local bodies slated to be held in October/November, 2015 and also that the process of delimitation is required to be undertaken in those local bodies in view of the Census-2011, it is felt that the elections for filling up the casual vacancies either in any Corporation or the Municipality, as the case may be, should be held, if could not be filled so far, along with the general elections even if such vacancies were required to be filled up sometime before such general elections are held. For the same reasons, it is also felt necessary to hold the elections if, could not be held within the statutory time limit of six months for reconstituting the Municipalities as provided under section 266B of the Gujarat Municipalities Act, 1963 as also the election if, could not be held within the

statutory time limit of six months as required to be held under sub –clause (i) of clause (a) of sub-section (1) of section 266 for the local areas which have been added to the different Municipal Boroughs, along with the general elections slated to be held in October/November, 2015. It is therefore, considered necessary to amend certain provisions of the Gujarat Provincial Municipal Corporations Act, 1949 and the Gujarat Municipalities Act, 1963 to achieve the aforesaid objects.

Section 456 of the Gujarat Provincial Municipal Corporations Act, 1949, *inter alia* provides for the powers of the State Government to make rules for carrying out the purposes of the said Act, subject to the condition of previous publication of the rules in question. However, the said section also provides that the State Government can, for sufficient reasons dispense with the requirement of such previous publication. However, as is the case under the provisions of the Provincial Municipal Corporations Act, 1949, there is no provision either in the Gujarat Municipalities Act, 1963, or the Gujarat Panchayats Act, 1993, for dispensing with the previous publication of the rules for sufficient reasons or where the State Government is required to take immediate actions. It is therefore, considered necessary to have similar provisions in all the Local Authorities Acts, so that there is a parity in all such Acts, in so far as dispensing with the publication of the rules is concerned. Therefore, the provisions of section 277 and section 274 of the Gujarat Municipalities Act, 1963, and the Gujarat Panchayats Act, 1993 respectively are suitably amended.

Since the State Government has taken a decision to implement the provisions with regard to the compulsory voting as also fifty per cent. reservation of seats for women in local bodies, the elections of which are stated to be held in October-November, 2015, certain suitable amendments in the existing provisions of the aforesaid Acts are required to be carried out imminently.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the aforesaid three Acts to achieve the aforesaid objects.

Gandhinagar,

Dated the 23rd July, 2015.

O.P.KOHLI,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

DR. RAJIV KUMAR GUPTA,
Principal Secretary to Government.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 14th September, 2015.

GUJARAT ORDINANCE NO. 2 OF 2015.

AN ORDINANCE

further to amend the Gujarat Panchayats Act, 1993.

WHEREAS the Legislative Assembly of the State of Gujarat is
not in session;

AND WHEREAS, the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take
Guj. 18 of 1993. immediate action to amend the Gujarat Panchayats Act, 1993;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Panchayats (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Guj. 18 of 1993 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Panchayats Act, 1993 shall have effect subject to the amendment specified in section 3.

Guj. 18 of 1993.

3. **Amendment of section 15 of Guj. 18 of 1993.-** In the Gujarat Panchayats Act, 1993, in section 15, for sub-section (1), the following sub-section shall be substituted, namely:-

Guj. 18 of 1993.

“(1) Subject to the provisions of section 13, the election of the members to a panchayat shall be held on such date as the State Election Commission may appoint in that behalf.”.

STATEMENT

Article 243E of the Constitution of India provides for the duration of Panchayats. The provisions of the said article *inter alia* provide that an election to constitute a panchayat shall be completed before the expiry of its duration and in case where a panchayat is dissolved, election shall be completed before the expiration of a period of six months from the date of its dissolution. Exact provisions to this effect have also been made under section 13 of the Gujarat Panchayats Act, 1993. However, section 15 of the said Act, provides for the election to be held not before two months or later than fifteen days in either case of reconstitution of panchayat on account of its expiry or on account of its dissolution. However, there is no such provision for holding election within such stipulated period either in the Gujarat Provincial Municipal Corporations Act, 1949 or the Gujarat Municipalities Act, 1963. It is, therefore, considered necessary to remove the provisions as regards the stipulated period within which the election to a panchayat should be held so as to bring parity with the provisions of above said two Acts and accordingly necessary amendment has been carried out in section 15 of the Gujarat Panchayats Act, 1993.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the Gujarat Panchayats Act, 1993, to achieve the aforesaid object.

Gandhinagar,

Dated the 12th September, 2015.

O. P. Kohli,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

B. B. SWAIN,

Principal Secretary to Government.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th September, 2015 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 21 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2015. Short title.

Bom. XL of 1958. 2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 4, in sub-section (1), the words "a first charge on the amount" shall be deleted. Amendment of section 4 of Bom. XL of 1958.

Insertion of new
section 8A in
Bom. XL of
1958.

3. In the principal Act, after section 8, the following section shall be inserted, namely:-

Tax to be first
charge on
electricity duty.

“8A. Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by the consumer, licensee or a person on account of electricity duty, interest or penalty which he is liable to pay to the State Government under this Act, shall be the first charge on the property of such consumer, licensee or, as the case may be, such person.”.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 14th September, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 22 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

further to amend the Gujarat Provincial Municipal Corporations Act, 1949,
the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws
(Second Amendment) Act, 2015.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 24th July, 2015.

- Amendment of section 10 of Bom. LIX of 1949.**
2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 10, after sub-section (3), the following sub-section shall be added, namely:-
- "(4) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 16D, subject to the decision in appeal, if preferred under section 16E."
- Bom. LIX of 1949.**
- Amendment of section 15 of Bom. LIX of 1949.**
3. In the Municipal Corporations Act, in section 15, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-
- "Provided, however, that such vacancy of a councillor in any Corporation, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other Corporations whose term are due to expire."
- Gu.22 of 2015.**
- Amendment of section 11 of Guj. 34 of 1964.**
4. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 11, after sub-section (4), the following sub-section shall be added, namely:-
- "(5) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 15D, subject to the decision in appeal, if preferred under section 15E."
- Guj. 34 of 1964.**
- Amendment of section 42 of Guj. 34 of 1964.**
5. In the Municipalities Act, in section 42, to sub-section (2), the following proviso shall be inserted, namely:-
- "Provided, however, that vacancy of a councillor in any municipality, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other municipalities whose term are due to expire."
- Guj. 22 of 2015.**
- Amendment of section 266 of Guj. 34 of 1964.**
6. In the Municipalities Act, in section 266, in sub-section (1), to clause (i), the following proviso shall be inserted, namely:-
- "Provided, however, that if any such election is required to be held on the date of coming into force the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, or immediately thereafter, if could not be held within such period of six month, the same shall be held at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting the other municipalities whose term are due to expire."
- Gu.22 of 2015.**

7. In the Municipalities Act, in section 266B, to clause (dd), the following proviso shall be inserted, namely :-

Amendment of
Section 266 B of
Guj. 34 of 1964.

Gu.22 of
2015.

“Provided, however, that if any such municipality is required to be reconstituted on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015 or immediately thereafter, if could not be reconstituted within such period of six months, the same shall be reconstituted at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting other municipalities whose term are due to expire;”.

8. In the Municipalities Act, in section 277, to sub-section (3), the following proviso shall be inserted, namely:-

Amendment of
section 277 of
Guj. 34 of 1964.

“Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.”.

Guj. 18 of
1993.

9. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 30, after sub-section (2), the following sub-section shall be added, namely:-

Amendment of
section 30 of Guj.
18 of 1993.

“(3) A person shall be disqualified to continue as a member of a Panchayat if such person has been declared as a defaulter voter under sub-section (3) of section 34D subject to the decision in appeal, if preferred under section 34E.”.

10. In the Panchayats Act, in section 274, for sub-section (5), the following sub-section shall be substituted, namely:-

Amendment of
section 274 of Guj.
18 of 1993.

“(5) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section:

Provided further that such previous publication of the rules shall not be necessary where the rules provide for any of the matters specified in Chapter XIII.”.

Repeal and
savings.

11. (1) The Gujarat Local Authorities Laws (Amendment) Ordinance, 2015 is hereby repealed.

Guj. Ord. 1 of
2015.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 or, as the case may, the Gujarat Panchayats Act, 1993, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

Bom. LIX of
1949. Guj. 34 of
1964. Guj. 18 of
1993.



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th September, 2015 is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 23 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

to establish and incorporate a teaching and affiliating University at
Junagadh, in the State of Gujarat to be known as
the Bhakta Kavi Narsinh Mehta University.

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Bhakta Kavi Narsinh Mehta University
Act, 2015.

Short title
and
commencement.

(2) This section shall come into force at once and the remaining
provisions shall come into force on such date as the State Government

may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

Definitions.

2. In this Act, unless the context otherwise requires,-

(1) "affiliated college" means a college affiliated to the University under section 40;

(2) "Board" means the Board of Governors constituted under section 21;

(3) "college" means an educational institution or an affiliated college teaching any of the courses leading to a degree or a diploma;

(4) "Dean" means the Dean of the University appointed under section 15;

(5) "Hostel" means a unit of residence for the students of the University or colleges or institutions maintained or recognised by the University under this Act;

(6) "Principal" means the head of a college and includes in-charge principal;

(7) "recognised institution" means an institution for research or specialised studies, other than an affiliated college, recognised as such under section 43;

(8) "registered graduate" means a graduate registered under the provisions of this Act;

(9) "self-financed course" means the course conducted by the University, college or self-financed institute as recognised by the University;

(10) "self-financed institution" means an institution functioning on self-financed basis, which has obtained the previous sanction for the same of the State Government and is admitted to the privileges of the University subject to the conditions laid down in that regard by the University and which is affiliated to the University;

(11) "Statutes", "Ordinances", "Regulations" and Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;

(12) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any of the affiliated colleges or recognised institution and whose appointment has been approved by the University and includes such person appointed on contractual basis or temporary basis or on ad-hoc basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;

(13) "University" means the "Bhakta Kavi Narsinh Mehta University" constituted under section 3;

(14) "University area" means the areas specified in the Schedule appended to this Act;

(15) "University centre" means a centre where post-graduate studies is imparted and maintained by the University;

(16) "University college" means a college which the University may establish or maintain or administer under this Act or a college transferred to the University and maintained by it;

(17) "University department" means any post-graduate or research institute or department designated or recognised as such and maintained by the University.

CHAPTER II UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Bhakta Kavi Narsinh Mehta University".

Establishment
and
incorporation
of University.

(2) The Vice-Chancellor, the Pro-Vice-Chancellor and members of the Board of Governors, the Executive Council, the Academic Council, the Finance Committee, and the Building and Estate Committee of the University; and all persons who may hereafter become such officers, members, or authority, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Bhakta Kavi Narsinh Mehta University".

(3) The University shall have a perpetual succession and a common seal, and may sue and be sued by the said name.

(4) The University shall be competent, to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

4. The headquarters of the University shall be at Junagadh, District: Junagadh, Gujarat.

Headquarters
of University.

5. The objects of the University shall be to develop the knowledge of different branches of Higher, Technical and Professional learning and research in relation to the different domains and their applications. The prime objects of the University shall be to create centers and institutes of

Objects
of
University.

excellence in the aforesaid areas in particular and other objects shall be as follows, namely:-

- (1) to disseminate, create and preserve knowledge and understanding by teaching, research and training;
- (2) to develop different patterns of teaching for a certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (3) to develop training facilities and to make arrangement for training in higher education, professional education and other fields, to provide for inter-relationship for national and international participation in the fields of science, technology, humanities, commerce, management, law, physiotherapy, medicine, paramedical, forestry, marine sciences, environmental sciences, and other fields;
- (4) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at the national and global level;
- (5) to introduce and nurture innovations in the existing education system through CBCS and interdisciplinary, skill based approach so as to reflect India's spiritual knowledge, robust intellectual and inexhaustible creativity;
- (6) to study and derive lessons from the ongoing latest experiments of education that are taking place in the State of Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (7) to establish Centre of Excellence or independent research centre(s).

Powers and
functions
of
University.

6. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and functions, namely:-

- (1) to provide for the instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provision for research, advancement and dissemination of knowledge;
- (2) to make such provision as would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (3) to organize common laboratories, libraries and other equipments for teaching and research;
- (4) to establish, take over, maintain and manage college, department, centres and institutes of research or specialised studies;

- (5) to institute Professorships, Associate Professorships or Assistant Professorships and other posts of teachers required by the University;
- (6) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or otherwise as teachers of the University;
- (7) to lay down the courses of instruction including inter-disciplinary studies for various examinations;
- (8) to guide teaching and research work in colleges, University departments, or recognised institutions;
- (9) to institute degrees, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, diplomas and other academic distinction on persons who -
 - (a) have pursued course of study in the University or in an affiliated college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations or Rules and have passed the examinations prescribed by the University, or
 - (b) have carried on research as per the conditions prescribed by the Ordinances, Regulation or Rules;
- (11) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (12) to grant such diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, Regulations or Rules;
- (13) to admit educational institutions to the privileges of the University and to withdraw such privileges;
- (14) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained and adequate library, laboratory and facilities for skill formation and enhancement are made therein;
- (15) to control and co-ordinate the activities of affiliated colleges, institutions and recognised institutions and to regulate the fees to be paid by the students in such colleges and recognised institutions;
- (16) to institute and award fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals, and prizes;

- (17) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (18) to make special provisions for disseminating knowledge and promoting arts and culture;
- (19) to fix, demand and receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (20) to establish, maintain and manage hostels by the University, and to recognise such hostels which are not maintained by the University. Such hostels may be inspected by the University and recognition may be withdrawn, if University deems it fit and proper;
- (21) to supervise, regulate and control the conduct and discipline of the students of the University, the affiliated colleges and the recognised institutions to make arrangements for promoting their health and general welfare;
- (22) to institute and manage-
 - (a) Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureau; and
 - (d) Employment Bureau;
- (23) to make provisions-
 - (a) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps, etc.;
 - (b) for sports and athletic activities;
 - (c) for compliance of other academic, extra-curricular and co-curricular activities;
 - (d) to make necessary arrangements for obtaining accreditation from the National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA), National Board of Assessment (NBA) or any other statutory accreditation agency constituted by the Central or the State Government, as the case may be;
 - (e) to comply with the directives/instructions of the State Government to the affiliated colleges and recognised institutions and the University from time to time;
- (24) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

- (25) to promote the development of the study of Gujarati and Hindi (in Devnagari script) and the use of Gujarati and Hindi (in Devnagari Script) or both or English as a medium of instruction in education and examination;
- (26) to make arrangements for training for competitive examinations for recruitment to the services under the Union and the State Government;
- (27) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;

- (28) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercised after obtaining previous approval of the State Government;

- (29) to do all such acts and things whether incidental to the powers and functions as, aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote Arts, Science and other branches of learning and culture.

7. (1) No educational institution within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law.

Jurisdiction
and
admission to
privileges.

(2) Any such privileges enjoyed from the Saurashtra University before the date on which this Act comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Saurashtra University and situated within the University area shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Saurashtra University and the Saurashtra University Act, 1965 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act,

Guj. 39 of
1965.

admit such institutions to all such privileges as they had of the Saurashtra University immediately before such date.

(4) Any educational institution, situated outside the University Area, but within the State of Gujarat, may be admitted to the privileges of the University subject to prior permission of the State Government and subject to such conditions and restrictions as the University may think fit and proper.

(5) The State Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

University
open to all
irrespective of
sex, religion
class, creed or
opinion.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or courses of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognise any college or institution exclusively for women, or reserved for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Power of State
Government to
give directions,
order assessment,
and order inquiry.

9. (1) The State Government shall have power to issue directions from time to time as may be required for compliance of any of the provisions made by or under this Act.

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts

in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or *prima facie* case to believe that the University has contravened any of the vital provisions of this Act, Statutes, Regulations or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days as to why an inquiry should not be ordered. If the reply of the University to the notice is not satisfactory, the State Government may order an inquiry.

V of 1908. (4) The inquiry officer or the committee as such appointed by the State Government shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, and production of documents and record from any office, etc.

(5) The report of the inquiry shall also be given to the University to present its case before the State Government. However, on consideration of the presentation of the University and the corrective steps proposed by it, still if the State Government is of the opinion that continuation of the existing University administration will gravely harm to the interests of the students, staff and the objectives of the University, or there is a gross financial mismanagement and serious mal-administration, the State Government may take appropriate steps as it may deem fit and proper.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:-

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Registrar;
- (v) the Law Officer;
- (vi) the Finance and Accounts Officer;
- (vii) the Controller of Examinations;
- (viii) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

Officers of
University.

11. No person shall be appointed, nominated or, as the case may be, co-opted,-

Eligibility of age
limit in various
authorities and
offices.

- (i) as an officer referred to in clauses (iii), (iv), (v), (vi), (vii), and (viii) of section 10;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other board or body thereof, after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairperson or a member of any of the authorities of the University committee or any other board or body thereof, who is the Chairperson or member by virtue of his office as the Vice-Chancellor or the Pro-vice Chancellor:

Provided further that nothing in this section shall apply to the visiting teachers, Emeritus Professors, Consultants, Scholars, Mentors or Advisors.

Vice-
Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) To be eligible for being appointed as the Vice-Chancellor, a person shall be,-

- (i) an eminent academician having Ph. D. Degree with a minimum of ten years of experience as a professor, or;
- (ii) a distinguished academician having Ph. D. Degree with a minimum of twelve years of academic/educational administrative experience in a University, reputed academic or administrative or research institute or organisation.

(3) The Vice-Chancellor shall be appointed by the State Government from among three persons recommended by a Search Committee constituted for the purpose under sub-section (4).

(4) For the purpose of sub-section (3), the State Government shall constitute a Search Committee which shall consist of the following members, namely:-

(i) two members (not being persons connected with the University or with any affiliated college, recognised institution or institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly; and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;

(ii) one member, who is an eminent educationist and has contributed to the University education system, to be nominated by the State Government.

(5) The State Government shall designate one of the three members of the Committee as its Chairperson.

(6) The Committee so appointed shall, within maximum eight weeks and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.

(7) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for being re-appointed to that office for one more term only:

Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of seventy years.

(8) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government:

Provided that such emoluments and terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(9) (a) During the leave or absence of the Vice-Chancellor or,

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, the Pro-Vice-Chancellor or, in his absence, one of the Deans nominated by the State Government for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(10) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of acceptance of resignation by the State Government.

(11) The Vice-Chancellor may be removed from his office by the State Government, if it is satisfied that the incumbent,-

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;

- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is afforded to him.

**Powers of
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall preside at the meetings of the Board of Governors. He shall be an *ex-officio* Chairperson of the Executive Council, Academic Council, Finance Committee and Building and Estate Committee. He shall be entitled to be present with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have power to convene meetings of the Executive Council, the Academic Council and the Finance Committee and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all the powers necessary for this purpose.

(4) (a) The Vice-Chancellor shall nominate members on any of the authorities as required under this Act.

(b) (i) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University and the University as a whole shall vest in the Vice-Chancellor.

(ii) The Vice-Chancellor may delegate all or any of his power referred to in clause (i), as he deems proper, to the Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding action taken by him with the reasons he has considered as emergent, to such officer,

authority or body as would have in the ordinary course have dealt with the matter.

- (b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service, such person shall be entitled to prefer an appeal to the Executive Council, within a period of thirty days from the date on which notice of such action is communicated to him.

(6) The Vice-Chancellor shall give effect to the orders of the Board and the Executive Council regarding appointment, dismissal, suspension and punishment of the persons in the service of the University or of the teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University.

(7) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of opinion that the implementation of any order or a resolution of an authority specified in or declared under section 20, or the doing of anything which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, the State Government or Professional Regulatory bodies, as the case may be, he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to why the said order or resolution may not be rescinded or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority after reconsideration revises or modifies the order or resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, he shall refer the matter to the State Government for its decision.

(d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against such order or resolution.

(e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).

(f) In case where the authority modifies or revises its order or resolution under clause (b) or where the State Government revises or modifies the order or resolution under clause (d), any action, if taken prior to forwarding a copy of the order or resolution or making a reference with regard to doing of the thing by the Vice-Chancellor under clause (a), to the concerned Authority, shall be treated as *ab-initio* void.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes, Ordinances or Regulations.

Pro-
Vice-Chancellor. 14. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from the panel of three persons recommended by the Vice-Chancellor.

(2) No person appointed as the Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years.

(3) The term of the office of the Pro-Vice-Chancellor shall be three years.

(4) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University and his emoluments and terms and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and terms and conditions of service of the holder of such office shall not during currency of the term of the holding of that office, be varied to his disadvantage without his consent.

(5) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such powers and perform such duties, which are specially or generally conferred or imposed on him by the Vice-Chancellor and as prescribed by the relevant Statutes.

(6) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor or in the event of being unable to perform the duties of his office, exercise all the rights and powers, and discharge all the functions and duties of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall preside,-

- (a) in absence of the Vice-Chancellor, at the meetings of the Board; and
- (b) in absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.

(8) The Pro-Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of the acceptance of resignation by the State Government.

15. (1) There shall be a Dean of each faculty who shall be elected from amongst the concerned faculty members of the University in the manner as may be prescribed by the relevant Statutes. **Dean of Faculty.**

(2) The Dean shall assist the Vice-Chancellor and the Pro-Vice-Chancellor in managing the academic and other allied affairs of the University as entrusted to him by the Vice-Chancellor.

(3) The Dean shall hold office for a term of three years.

(4) The Dean shall be the principal executive authority of the Faculty and shall exercise the following powers and perform the following functions, namely:-

- (i) he shall be the Chairperson of the Faculty concerned and shall preside at its meetings of the Faculty;
- (ii) he shall attend the meeting of any Board of Studies in the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
- (iv) he shall plan and organise seminars, refresher courses, and work-shops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and institutions in respect of subjects under the Faculty;

- (vi) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval of the proposals for the programmes of visiting teachers and for the exchange of teachers;
- (viii) he shall exercise such other powers and perform such other functions as may be prescribed under the relevant Statutes.

Registrar. 16. The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board, the Executive Council and the Academic Council. He shall be appointed by the University with the prior approval of the State Government and his emoluments and terms and conditions of service shall be determined by the Statutes. He shall be responsible for the due custody of records, the common seal and such other properties and assets of the University as the Executive Council shall commit to his charge. He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Law Officer. 17. (1) The Law Officer shall be appointed by the University. He shall be in-charge in respect of all the legal matters for and against the University.

(2) The qualifications, experience, powers, functions and duties of the Law Officer shall be such as may be prescribed by the Statutes.

Finance and Accounts Officer. 18. (1) The Finance and Accounts Officer shall be appointed by the State Government on deputation. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The qualifications, terms and conditions of service and the tenure of the Finance and Accounts Officer shall be such as may be determined by the State Government.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the same shall be performed by such other officer as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall,-

(i) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and

(ii) perform such other financial functions as may be prescribed by the Statutes; and also has assigned by the Vice-Chancellor.

19. (1) The Controller of Examinations shall be a whole time salaried officer of the University. He shall be appointed by the University with the prior approval of the State Government.

Controller of
Examinations.

(2) The qualifications, terms and conditions of service and the tenure of the Controller of Examination shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF UNIVERSITY

20. The following shall be the authorities of the University, namely :-

Authorities of
University.

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee;
- (v) the Buildings and Estate Committee;
- (vi) the Faculties;
- (vii) the Board of University Teaching and Research;
- (viii) the Boards of Studies;
- (ix) such other boards and bodies of the University as may be declared by the Statutes, to be the authorities of the University.

21. (1) The Board of Governors shall consist of the following members, namely:-

Board of
Governors.

I. *Ex-Officio* Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (v) the Secretary to the Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (viii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (ix) the Commissioner of Health and Medical Services, and Medical Education, Gujarat State, or his nominee not below the rank of Joint Director.

II. Ordinary Members:

- (i) three Head of the Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) two Principals of affiliated colleges of each District, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) one University teacher, to be nominated by the Vice-Chancellor from amongst themselves taking into consideration the overall seniority and by rotation;
- (iv) four teachers of the affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) five registered graduates from Faculties of Arts, Science, Commerce, Professional and all others, one from each faculty in the manner as prescribed by the Statutes, to be nominated by the Vice-Chancellor for the term of one year;
- (vi) one member of any municipal corporation, to be nominated by the State Government from the University area;
- (vii) one member of any municipality, to be nominated by the State Government from the University area;
- (viii) one member of any District Panchayat, to be nominated by the State Government from the University area;
- (ix) three members of the State Legislative Assembly, to be nominated by the State Government from the University area;
- (x) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, representatives of backward communities, women and such other classes of persons;
- (xi) one donor, to be nominated by the State Government.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

(3) The term of members, other than *ex-officio* members shall be three years, except for the members under registered graduates category.

Meetings of
Board of
Governors.

22. (1) The Board shall meet on such date as may be fixed by the Vice-Chancellor, once in a year at a meeting to be called the annual general meeting of the Board.

(2) The Vice-Chancellor may, whenever, and shall, upon a requisition in writing by not less than one-third of the total members of the Board convene a special meeting of the Board of Governors.

(3) The Board shall meet at least two times during a calendar year generally.

(4) The quorum shall not be less than one-third of the total number of members of the Board (any fraction contained in that one-third being rounded of as one).

(5) A written notice of every meeting together with agenda shall be circulated by the Registrar, to the members of the Board at least not less than fifteen clear days invariably before the date of the meeting. The Vice-Chancellor may permit inclusion of any item for which due notice could not be given in the meeting.

(6) The Chairperson, if present shall preside over the meetings of the Board and in his absence, the Pro-Vice-Chancellor shall preside at the meeting.

(7) The ruling of the Chairperson on about any question of procedure shall be final.

(8) In case of difference of opinion amongst the members, the opinion of the Vice-Chancellor shall prevail.

(9) Each member of the Board, including the Chairperson shall have one vote and if there is a tie, viz. a deadlock, equality of votes on any question to be determined by the Board, the Chairperson of the Board shall have a casting vote.

(10) The minutes of the proceedings of a meeting of the Board shall be drawn up by the Registrar with the approval of the Chairperson of the Board and circulated invariably within twenty days to all the members of the Board. The minutes, along with amendments, if any suggested, shall be placed for confirmation at the next meeting of the Board. After the minutes are confirmed and signed by the Chairperson of the Board, they shall be recorded in the minute book which shall be kept open for inspection by the members of the Board.

23. Subjects to the other provisions of this Act, the Board shall exercise the following powers and perform the following duties, namely:-

Powers
and duties of
Board of
Governors.

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;
- (ii) to institute Professorships, Associate Professorships, Assistant Professorships and other posts of teachers as may be required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;

- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the annual financial estimates prepared by the Executive Council and pass resolutions with reference thereto;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act and all such other powers for achieving the objects of the University.

Executive Council. 24. (1) The Executive Council shall be the executive authority of the University and shall consist of the following members, namely:-

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (iv) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Health and Medical Services and Medical Education, Gujarat State or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Heads of Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (ii) four Principals of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iii) two teachers, to be nominated from amongst University teachers, other than Heads of the Department, by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iv) four teachers of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (v) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, public administrators, representatives of backward communities, women and such other classes of persons.
- (2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

Powers and duties of Executive Council. 25. (1) Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise or performance of the powers and duties assigned to it by this Act and the Statutes, in consultation with the Finance Committee, Buildings and Estate Committee or if there is a Legal Committee, with it;
- (iii) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to prepare the annual financial estimates of the University and to submit them to the Board;
- (vi) to sanction the transfer of any amount within the budget grant from one minor head to another or from subordinate head under the minor head to a subordinate head under another minor head;
- (vii) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
- (viii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
- (x) to transfer any movable or immovable property on behalf of the University;
- (xi) to raise loans on the security of the assets of the University;
- (xii) to manage and regulate finances, accounts and investments of the University;
- (xiii) to institute and manage -
 - (a) Printing and publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;
- (xiv) to make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (xv) to manage colleges, University Departments, institution of research or specialised studies, laboratories, libraries and hostel maintained by the University;
- (xvi) to arrange for, and direct, the inspection of affiliated colleges, recognised institution, and hostels and to issue instructions for maintaining their efficiency and/or ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;

- (xvii) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (xviii) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (xix) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (xx) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (xxi) to make recommendations for appointments of teachers and employees of the University, to fix their emoluments and define their duties and terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (xxii) to recognise a member of the staff of an affiliated college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (xxiii) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (xxiv) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxv) to make, amend and cancel the Ordinances ;
- (xxvi) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed upon by or under this Act;
- (xxvii) to exercise all the powers of the University not provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (ix), (x) and (xi) of sub-section (1).

(3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board and the State Government.

(4) The exercise of the powers by the Executive Council under clause (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised institutions shall be subject to the approval of the State Government.

(5) The Executive Council may by Ordinances appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

26. (1) The Academic Council shall be the academic body of the University and shall consist of the following members, namely:-

Academic Council.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) not more than six faculties, excluding the Deans of Faculties to be nominated by the Vice-Chancellor.

(2) The term of office of the members of the Academic Council other than the *ex-officio* members shall be three years:

Provided that a member specified in clauses (iii) and (iv) of sub-section (1) shall cease to hold his office as such member, if he ceases to be a Dean of a Faculty or, as the case may be, a member of the respective Faculty.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decisions of Academic Council in so far as the academic matters are concerned, shall be final and be implemented forthwith.

Powers and duties of Academic Council.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:-

- (i) to approve Regulations made by the Faculty concerned laying down courses of studies;
- (ii) to approve Regulations made by the Faculty concerned, regarding the special courses of studies;
- (iii) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (iv) to promote research within the University;
- (v) to approve proposals for allocating subjects to Faculties;
- (vi) to make proposals to the Board for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories as well as centres for skill development and enhancement;
- (vii) to approve and recommend to the Executive Council proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other posts of teachers as may be required by the University and for prescribing the duties and fixing the emolument of such posts;

- (viii) to approve and recommend to the Board, the proposals for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals and prizes;
- (ix) to approve regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (x) to make and approve Regulations prescribing the equivalence of examinations;
- (xi) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xii) to grant inter-disciplinary courses and take all measures to improve Choice Based Credit System (CBCS);
- (xiii) generally, to advise the University on all academic matters;
- (xiv) to exercise such other powers and perform such other duties as may be conferred or, imposed on it by and under this Act.

Finance
Committee.

28. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (iv) one member of the Board, to be nominated by the Board;
- (v) one expert in the field of finance, to be nominated by the Board.

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) A nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and the resignation shall take effect from the date it is accepted by the Vice-Chancellor.

Powers and
duties of
Finance
Committee.

29. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following duties, namely:-

- (i) to examine the annual accounts and annual estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University ;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;

- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget, and to place the same before the Board;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate the University Fund;
- (x) to grant tenders, contracts and other expenditure, projects, and recommend to the Executive Council for final approval; and
- (xi) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

30. (1) The Buildings and Estate Committee shall consist of the following members, namely:-

Buildings and
Estate
Committee.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Roads and Buildings Department or his nominee not below the rank of Deputy Secretary;
- (v) one representative of the Institute of Engineers (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members;
- (vi) one representative of the Institute of Architects (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members.

(2) The University Engineer shall function as the Secretary of the Committee.

(3) The term of the nominated members of the Committee shall be three years.

(4) The Committee shall,-

- (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilisation of the grants received from the University Grants Commission (UGC), the State Government or from any agency;

- (b) be responsible for the maintenance and upkeep of the University buildings;
- (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
- (d) exercise such powers, as delegated to it by the Executive Council.

(5) The Committee may constitute one or more sub-committees to oversee the work of any project.

Faculty. 31. (1) The University shall include the Faculties of Arts, Education, Sciences, Law, Medicine, Commerce and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

- (i) the Chairperson of the Boards of Studies for the subjects with which the Faculty is concerned; and
- (ii) not more than three members of the Board of Studies as are assigned to the Faculty by the Executive Council.

(3) A teacher in a subject included in more than one Faculties shall, within one month from the date on which he becomes a member of the Board of Studies, select by intimation in writing to the Registrar, any one of such Faculties to which he wishes to be assigned, if he intends to make such selection. The Executive Council shall assign to him any one of such Faculties and the selection or assignment so made shall be irrevocable for the entire term of membership.

(4) All Faculties shall be located at the headquarters of the University:

Provided that in respect of any of such Faculties, the State Government after consulting the University may, by notification in the *Official Gazette*, direct that the Faculty specified in the notification shall be located at such place outside the headquarters of University and thereupon the Faculty shall be located accordingly.

Powers and
duties of
Faculty.

32. (1) The Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and duties of the examination of the University for the subjects assigned to the Faculty.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions

of this Act, the Faculty shall exercise the following powers and perform the following duties, namely:-

- (i) to make regulations in consultation with the concerned Board of Studies laying down courses of studies;
- (ii) to make regulations regarding the special courses of studies;
- (iii) to make regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University; and suggest measures to develop research in University, affiliated colleges and recognised institutions;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of departments, institution of research and specialised studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships and Assistant Professorships and any other post of teachers as may be required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and other awards and to make regulations for their grant;
- (ix) to make regulations for the maximum workload of teacher, the minimum teaching work for every subject, minimum laboratory work, research library work, counseling, project work to be done by students for any subject;
- (x) to make regulations prescribing equivalence of examinations;
- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University, affiliated colleges or recognised institutions for qualifying for degree, diploma and other distinctions;
- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies;
- (xiii) to exercise such other powers and perform such other duties as may be conferred by or imposed upon it, by or under this Act.

33. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

**Board of
Studies.**

(2) Subject to the provisions of sub-section (3), each Board of Studies shall consist of,-

- (i) not more than one Head of the University Department, if any, in the subject;

- (ii) not more than three Heads of the Departments, in the special subjects taught at degree level in the affiliated colleges and recognised institutions;
- (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.

(3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency, subject, however, to the condition that the total number of co-opted and nominated members shall not exceed seven.

(4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, and for three years or maximum of two terms.

(5) The Chairperson and members of the Board of Studies shall be nominated by the Vice-Chancellor.

(6) The powers and duties of a Board of Studies shall be as follows, namely:-

- (i) to recommend courses of studies in the subject;
- (ii) to recommend and prescribe where necessary, books for study in the subject;
- (iii) to recommend programmes for extension services and research in the subject;
- (iv) to recommend organisation of seminars, refresher courses and workshops to the concerned Dean of the Faculty;
- (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based Education with Choice Based Credit System;
- (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books of study;
- (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
- (viii) to review periodically the terminology current in the subject; and
- (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(7) The Board of Studies shall meet at least twice during an academic term as may be determined by the Ordinances.

Constitution,
powers and
duties of other
boards and
bodies of
University.

34. The constitution, powers and duties of other Boards and Bodies which may be declared to be the authorities of the University under section 20, shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

35. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

Statutes.

- (i) to confer degrees and conferment of honorary degrees and holding of convocation;
- (ii) powers and duties of the officers of the University;
- (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iv) to institute and maintain the University departments, institutes of research or specialised studies, post-graduate centre in affiliated colleges and hostels;
- (v) acceptance and management of bequests, donations and endowments;
- (vi) registration of graduates and maintenance of a register of registered graduates;
- (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
- (viii) qualifications of Professors, Associate Professors, Assistant Professors and teachers in affiliated colleges and recognised institutions;
- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

36. (1) The Statutes may be made by the Board or may be amended, repealed or added to by the Board in the manner hereinafter provided.

Making
amendments,
operation and
repeal of
Statutes.

(2) The Board may take into consideration the draft of a Statutes either of its own motion or on a proposal by the Executive Council.

(3) The Executive Council may propose to the Board draft of any Statutes to be passed by the Board.

(4) The draft of Statutes shall be considered by the Board at its next succeeding meeting. The Board may approve such draft and pass the Statutes or may reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which the Board may suggest. After any draft of Statutes so returned has been further considered by the Executive Council together with any amendment suggested by it, it shall be again presented to the Board with the report of the Executive Council thereon and the Board may then deal with the draft in the manner as it thinks fit and proper.

(5) Where a Statute affects the powers or duties, of an officer, authority or Board of the University-

- (i) the Executive Council shall, before proposing the draft of such Statutes, ascertain and consider the views of the concerned officer, authority or Board concerned; and
- (ii) the Board, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Executive Council.

(6) Where the Statutes seek to provide for academic matters, the Board shall, before passing such Statutes, consult the Academic Council.

(7) Every Statute passed by the Board shall be submitted to the State Government which may give or withhold approval thereto or refer it back to the Board for its reconsideration.

(8) No Statute passed by the Board shall have validity until approved by the State Government.

Ordinances.

37. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:-

- (i) conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of students of the University, affiliated colleges and recognised institutions;
- (vi) recognition of hostels;
- (vii) inspection of affiliated colleges, recognised institutions and hostels;
- (viii) rules to be observed and enforced by the affiliated colleges and recognised institutions in respect of transfer of students;
- (ix) to fix the fees to be charged from the students;
- (x) mode of execution of contracts or agreements for, or on behalf of the University;
- (xi) all matters which, by this Act are to be or may be provided for by the Ordinances; and
- (xii) generally all matters for which provision is, in the opinion of the Executive Council, necessary for the exercises of the powers conferred or the performance of the duties imposed upon the Executive Council by this Act or the Statutes.

Making of Ordinances.

38. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 37, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made unless a draft of the same has been proposed by the Academic Council.

(2) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power, by a resolution, to cancel or to refer back, but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Board.

(4) The Vice-Chancellor shall, on application of not less than one-third of the members of the Board, suspend the operation of any such Ordinance until the Board has considered it as provided in sub-section (3).

39. (1) The Academic Council, or as the case may be the Faculty, may, subject to the approval of the Academic Council, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for, by Regulations and for all other matters solely concerning itself.

Regulations
and rules.

(2) Any authority of the University specified in clauses (iv) to (ix) of section 20 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any authority or other Boards shall have effect from such date as the authority making the Regulations or rules, may direct:

Provided that a Regulation or rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI AFFILIATION, RECOGNITION AND ACCREDITATION

40. (1) A college applying for affiliation to the University shall send an application to the Registrar, and shall satisfy the Executive Council and the Academic Council,-

Affiliation.

- (a) that the college will supply a need in the locality, and the suitability of the locality where the college is to be established;
 - (b) that the college shall be under the management of a regularly constituted governing body under registered trust or, as the case may be, registered society;
 - (c) that the strength and qualifications of the teaching and non-teaching staff and the conditions governing their tenure of office are such as to make due provision for the course of instruction, teaching or training to be undertaken by the college;
 - (d) that the buildings in which the college is to be located are suitable, and provision shall be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of the students;
 - (e) that due provision has been made or shall be made for library;
 - (f) that where affiliation is sought in any branch of experimental science, that arrangements have been or shall be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory;
 - (g) that the financial resources of the college are such as to make due provisions for its continued maintenance and efficient working.
- (2) The application shall contain an undertaking that after the college is affiliated, any transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Executive Council.
- (3) On receipt of an application under sub-section (1), the Executive Council shall-
- (a) direct local inquiry to be made by a competent person or persons authorised by the Executive Council in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
 - (b) make such further inquiry as may appear to it to be necessary;
 - (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
 - (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry made under clauses (a), (b) and (c) of sub-section (3).
- (4) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated, and, where the application or any part thereof is refused the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board a report regarding the application, the action taken thereon under sub-sections (3) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

41. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 40 shall be followed.

Additional of
courses of
instruction.

42. (1) The rights conferred on a college by affiliation may be withdrawn by the Executive Council in whole or in part or may be modified, if the college fails to comply with the provisions of the Statutes or Ordinances governing the affiliation or if the affairs of the college are conducted in a manner which are prejudicial to the interests of education:

Withdrawal
of affiliation.

Provided that no such affiliation shall be withdrawn unless the college is given an opportunity of being heard.

(2) If any affiliated college aggrieved by sub-section (1) raises any dispute as to the withdrawal of its rights of affiliation, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

43. (1) Any institution situated within the University area, which conducts specified research or studies may be recognised by the Executive Council in consultation with the Academic Council as a recognised institution for such purpose and in such manner and subject to such conditions, as may be prescribed by the Statutes.

Recognised
institution of
research and
specialised
studies and
withdrawal
thereof.

(2) Any such recognition may be withdrawn either in whole or in part or may be modified in such manner and for such reasons, as may be prescribed by the Statutes.

44. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Executive Council, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or institution.

Inspection of
colleges and
reports, etc.

(2) The Executive Council shall cause such college or institution to be inspected from time to time by one or more competent persons authorised by the Executive Council in this behalf.

(3) The Executive Council may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary on the basis of the findings and recommendations as a result of inspection as referred to in section (2).

Accreditation
of University.

45. The University shall obtain accreditation from the National Council of Assessment Accreditation (NAAC) within five years of its establishment and such other regulating bodies of the Government of India and the Government of Gujarat which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

CHAPTER VII

POST-GRADUATE TEACHING AND RESEARCH

Post-graduate
instruction,
teaching
and training.

46. (1) Within the University area, all post-graduate instruction, teaching and training shall be conducted by the University or subject to control of the University by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes.

(2) For the purpose of organising and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching and Research.

(3) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(4) The University may maintain University Centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes.

(5) The Board of University Teaching and Research shall,-

- (i) advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (ii) consider and report to the authorities on the institution of research degrees in the University;
- (iii) propose regulations regarding the award of research degrees;

- (iv) appoint supervisors for research studies and to determine the subjects of their thesis;
- (v) recommend panel of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf;
- (vi) perform such other functions as may be prescribed by the Statutes.

CHAPTER VIII CONFERMENT OF DEGREES, DIPLOMAS, ETC.

47. (1) The Board may, in consultation with the Academic Council and the Executive Council institute such degrees, diplomas and other academic distinctions as may be prescribed under the relevant Statutes.

**Conferment of
degrees,
diplomas, and
other
academic
distinctions.**

(2) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant degrees, diplomas, honorary degrees and other academic distinctions in accordance with the provisions of this Act.

(3) The Academic Council shall by an appropriate resolution or resolutions confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided by the Statutes, who have passed an examination at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.

(4) The convocations of the University for the conferment of honorary degree, degrees, diplomas, certificate and academic distinctions shall be held in such manner as may be prescribed by the Statutes.

48. (1) If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board present at a meeting of the Board, such majority comprising not less than one-half of the members of the Board, and the recommendation is confirmed by the State Government, the Board may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

**Honorary
degree.**

(2) Not more than two persons shall be conferred with such academic distinction of honorary degree during an academic year, by the University.

(3) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, recommend to the State Government after consultation with the Vice-Chancellor to withdraw an honorary degree granted to any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

Removal of
person from the
register of
graduates and
withdrawal of
degree or
diploma.

49. (1) The Vice-Chancellor may, on the recommendation of the Executive Council and the Academic Council supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or a degree if he has been convicted by a court of law of any offence which in the opinion of the competent authority is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(2) No action under sub-section (1) shall be taken unless the person concerned is given an opportunity of being heard.

CHAPTER IX COMMITTEES

Examiners'
Committee.

50. (1) There shall be formed a committee for each Faculty for the purpose of drawing up the list for appointment of the University Examiners, consisting of,-

- (i) the Dean, who shall be the *ex-officio* Chairperson;
- (ii) the Chairperson of the Board of Studies; and
- (iii) two members of the Board of Studies, nominated by the Vice-Chancellor for the year.

(2) The list of Examiners prepared by the Committee shall be placed by the Academic Council before the Vice-Chancellor for approval who may either approve, or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the Committee shall be such as may be prescribed by the Statutes.

51. The Board of Governors, the Executive Council, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing such committees.

Other
Committees.

CHAPTER X FINANCE

52. (1) The University shall establish a fund to be called the "University Fund".

University
Fund.

(2) The following shall form part of, or be paid into, the University fund,-

- (a) any contribution or grants by the State Government, the Central Government, or the University Grants Commission;
- (b) the income of the University from all sources including income from fees and charges;
- (c) bequests, donations, endowments and other grants, if any;
- (d) any sum borrowed from the banks with the permission of the State Government.

II of 1934.

(3) All moneys credited to the fund of the University shall be deposited in any of the Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the surplus fund shall be invested, in such manner as the Board on the recommendation of the Finance Committee or as per the directions of the State Government issued from time to time in this behalf.

(4) No money from the University Fund shall be spent except as otherwise provided for meeting its objectives.

53. (1) The annual accounts of the University shall be prepared and audited under the direction of the Executive Council and shall be submitted to the State Government.

Annual
accounts and
financial
estimates and
audit.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Board and to the State Government.

(3) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit; and finally adopt the accounts and financial estimates. The Executive

Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

(5) The annual accounts of the University shall be audited every year within three months of the closing of the financial year, by the auditors, appointed by the Finance Committee from amongst the firms of Chartered Accountants, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so audited within the stipulated time limit, failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

(6) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be submitted to the State Government, and, on receipt of such audited accounts, the Board shall consider and pass such resolution thereon as it thinks fit.

(7) The State Government shall cause to be conducted the audit of the accounts of the University at least once in a year by the auditors appointed by the State Government.

Annual reports.

54. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes and shall be considered by the Board at the annual meeting. The Board may pass resolution thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

CHAPTER XI

SUPPLEMENTARY PROVISIONS

Appointment of teachers and other employees.

55. (1) Subject to the provisions of this Act, the teachers, officers, and other employees of the University shall be appointed in such manner and with such designations and grades as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(2) The teachers, officers, and other employees of the University appointed under this Act shall be entitled to such salary and allowances, and shall be governed by such conditions of service and code of conduct as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(3) No person shall be appointed as a teacher of the University, affiliated college or, as the case may be, recognised institution, unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grants Commission, the State

Government, the University or other statutory regulatory bodies, as specified in the relevant Statutes, Ordinances and Regulations.

(4) Till the first Statutes, Ordinances, Regulations and Rules under section 69 are framed, relevant Government rules, norms as underlined by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

45 of 1860. 56. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers
and
employees
to be public
servant.

Explanation- For the purposes of this section, any person who is appointed by the University for a specified period, or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or an employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

57. (1) The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

Pension,
insurance,
and
provident
fund of staff
of University,
etc.

(2) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or institution in matters of pension, insurance and provident fund or for other benefits as may be prescribed by the Statutes.

58. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 57, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give and thereupon,-

Provident
fund to be
deposited in
Government
Treasury.

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government employee is for the time being entitled to on the balance in his provident fund account; and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to the Government employees shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies. X of 1952.

Vacating of
office.

59. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of the receipt of the letter by the Vice-Chancellor, whichever event occurs earlier.

(2) Any member of any authority or body of the University shall cease to be a member on being convicted by a court of law of an offence, which in the opinion of the Executive Council, involves moral turpitude.

Filling of
casual
vacancies.

60. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Liability
for
damage.

61. (1) It shall be the duty of every officer, teacher and other employee of the University to ensure that the interests of the University are duly safeguarded.

(2) If it is found that any damage or loss has been caused to the University by any unlawful act not done in good faith, on the part of such officer, teacher, or other employee, or by any wilful failure to act in conformity with the provisions of this Act, the Statutes, Ordinances, Regulations or Rules, or by any wilful neglect or default on his part, such damage or loss shall be liable to be recovered from him in accordance with the procedure prescribed by the Statutes.

Proceedings
not
invalidated
by
vacancies.

62. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to
constitution of
University
authority or
body.

63. Where any question arises as to,-

(i) the interpretation of any provision of this Act, or Statute, Ordinance, Regulation or Rule, or

(ii) whether a person has been appointed as, or is entitled to be or ceases to be, a member of any authority or other body of the University,-

(a) it may be referred to the State Government if it relates to a matter specified in clause (i); and

(b) it shall be referred to the State Government if,-

(i) it relates to a matter specified in clause (ii); or

(ii) if twenty members of the Board so require irrespective of whether it relates to a matter specified in clause (i) or clause (ii), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

64. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

Protection
of acts and
orders.

CHAPTER XII TRANSITORY PROVISIONS

Guj. 39 of
1965.

65. (1) Notwithstanding anything contained in the Saurashtra University Act, 1965 or in the Statutes, Ordinances, Regulations, Rules and orders made thereunder, the colleges and the departments and the centres situated within the University area shall, from the date of the commencement of this Act, cease to be the colleges, departments or, as the case may be, centres of the Saurashtra University and shall be transferred to and vest in the University.

Transfer of
certain colleges,
departments
and centres of
Saurashtra
University to the
University.

(2) The control and management of the colleges, departments and centres referred to in sub-section (1) shall, with effect on and from the date of the commencement of this Act, stand transferred to the University and all properties and assets (whether movable or immovable) and liabilities of the Saurashtra University in relation thereto shall stand transferred to and vest in or devolve upon the University.

(3) Where immediately before the date of commencement of this Act, the Saurashtra University has made any contract in relation to the said colleges, departments or centres, such contracts shall be deemed to have been made by the University and any reference therein to the Saurashtra University shall be construed as reference to the University.

(4) Where immediately before the commencement of this Act, the Saurashtra University is a party to any legal proceedings with respect to

any property and assets transferred to the University under this section or with respect to any of the rights, liabilities or obligations of the Saurashtra University which have become the rights, liabilities and obligation of the University, the University shall be deemed to be substituted for the Saurashtra University as a party to those proceedings and the proceedings shall continue accordingly.

Terms and conditions of employees of affiliated colleges who were holding the posts in affiliated colleges of Saurashtra University.

66. Notwithstanding anything contained in this Act, every employee of the college affiliated to the University or the recognised institution, who is holding office (whether teaching or non-teaching) of the Saurashtra University immediately before the commencement of this Act, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.

Completion of courses of students in colleges affiliated to Saurashtra University.

67. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situated within the University area and affiliated to the Saurashtra University, who immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the Saurashtra University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Saurashtra University.

Appointment of first Vice-Chancellor.

68. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory powers of first Vice-Chancellor.

69. (1) It shall be the duty of the first Vice-Chancellor,-

- (a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 43; and
- (b) to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University, within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of Advisory Committee consisting of not more than fifteen members nominated by the State Government,-

(a) subject to the provisions of this Act and the approval of the State Government,-

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business;

(ii) draw up any rules that may be necessary for constituting the aforesaid authorities;

(b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

70. The Vice-Chancellor appointed under section 68 shall have powers until the Executive Council commences to exercise its functions,-

Extraordinary
powers of first
Vice-
Chancellor.

- (a) with the previous approval of the State Government to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force;
- (d) with the sanction of the State Government, to make for a period not exceeding two years such appointments as may be necessary to enable this Act or any part thereof to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

71. Notwithstanding anything contained in section 14, the first Pro-Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first Pro-
Vice-
Chancellor.

Appointment
of first
Registrar.

72. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

First appointment
of officers and
teachers of
University.

73. (1) At any time after the commencement of this Act until such time as the authorities of the University commence to exercise their functions,-

- (a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the State Government;
- (b) the teachers of the University may be appointed by the State Government after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Commissioner of Higher Education, Gujarat State and such other person or persons, if any, as the State Government thinks fit to associate with them.

(2) Any appointment made under sub-section (1), shall be for such period not exceeding two years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Prohibition
of
membership.

74. Notwithstanding anything contained in the Saurashtra University Act, 1965, no member, other than an *ex-officio* member of any of the authorities of the Saurashtra University shall be eligible to become a member of any of the authorities of the University established under this Act till such member has completed his term or has resigned from his office.

Guj. 39 of
1965.

Power to
remove
difficulties.

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Amendment
of Guj. 39 of
1965.

76. In the Saurashtra University Act, 1965, in the Schedule, entry 4 shall be deleted.

Guj. 39 of
1965.

SCHEDULE

[See section 2(14)]

1. Junagadh District.
2. Porbandar District.
3. Gir-Somnath District.
4. Devbhumi-Dwarka District.



सत्यमेव जयते

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EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th September, 2015 is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 24 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

to establish and incorporate a teaching and affiliating University at
Godhara, in the State of Gujarat to be known as
Shri Govind Guru University.

It is hereby enacted in the Sixty- sixth Year of the Republic of India
as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called Shri Govind Guru University Act, 2015.

Short title and
commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (1) "affiliated college" means a college affiliated to the University under section 40;
- (2) "Board" means the Board of Governors constituted under section 21;
- (3) "college" means an educational institution or an affiliated college teaching any of the courses leading to a degree or a diploma;
- (4) "Dean" means the Dean of the University appointed under section 15;
- (5) "Hostel" means a unit of residence for the students of the University or colleges or institutions maintained or recognised by the University under this Act;
- (6) "Principal" means the head of a college and includes in-charge principal;
- (7) "recognised institution" means an institution for research or specialised studies, other than an affiliated college, recognised as such under section 43;
- (8) "registered graduate" means a graduate registered under the provisions of this Act;
- (9) "self-financed course" means the course conducted by the University, college or self-financed institute as recognised by the University;
- (10) "self-financed institution" means an institution functioning on self-financed basis, which has obtained the previous sanction for the same of the State Government and is admitted to the privileges of the University subject to the conditions laid down in that regard by the University and which is affiliated to the University;
- (11) "Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;
- (12) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any of the affiliated colleges or recognised institution and whose appointment has been approved by the University and includes such person appointed on contractual basis or temporary basis or on *ad-hoc* basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;

(13) "University" means the Shri Govind Guru University constituted under section 3;

(14) "University area" means the areas specified in the Schedule appended to this Act;

(15) "University centre" means a centre where post-graduate studies is imparted and maintained by the University;

(16) "University college" means a college which the University may establish or maintain or administer under this Act or a college transferred to the University and maintained by it;

(17) "University department" means any post-graduate or research institute or department designated or recognised as such and maintained by the University.

CHAPTER II

UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Shri Govind Guru University".

Establishment
and
incorporation
of University.

(2) The Vice-Chancellor, the Pro-Vice-Chancellor and members of the Board of Governors, the Executive Council, the Academic Council, the Finance Committee, and the Building and Estate Committee of the University; and all persons who may hereafter become such officers, members, or authority, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Shri Govind Guru University".

(3) The University shall have a perpetual succession and a common seal, and may sue and be sued by the said name.

(4) The University shall be competent, to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

4. The headquarters of the University shall be at Godhara, District: Panchmahal, Gujarat.

Headquarters
of University.

Objects
of
University.

5. The objects of the University shall be to develop the knowledge of different branches of Higher, Technical and Professional learning and research in relation to the different domains and their applications. The prime objects of the University shall be to create centers and institutes of excellence in the aforesaid areas in particular and other objects shall be as follows, namely:-

- (1) to disseminate, create and preserve knowledge and understanding by teaching, research and training;
- (2) to develop different patterns of teaching for a certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (3) to develop training facilities and to make arrangement for training in higher education, professional education and other fields, to provide for inter-relationship for national and international participation in the fields of science, technology, humanities, commerce, management, law, physiotherapy, medicine, paramedical, forestry, marine sciences, environmental sciences, and other fields;
- (4) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at the national and global level;
- (5) to introduce and nurture innovations in the existing education system through CBCS and interdisciplinary, skill based approach so as to reflect India's spiritual knowledge, robust intellectual and inexhaustible creativity;
- (6) to study and derive lessons from the ongoing latest experiments of education that are taking place in the State of Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (7) to establish Centre of Excellence or independent research centre(s);
- (8) to provide avenues of higher education and research facilities primarily for the tribal population;
- (9) to disseminate and advance knowledge by providing instructional and research facilities in tribal art, culture, tradition, language, medicinal systems, customs, forest based economic activities, and advancement in technologies relating to the natural resources of the tribal areas;
- (10) to collaborate with national and international Universities or organisations, especially for undertaking cultural studies and research on tribal populations;

- (11) to formulate tribal centric development models, publish reports and monographs; and to organize conferences, seminars on issues relating to tribals; and to provide inputs to policy matters in different spheres;
- (12) to take appropriate measures for promoting the members of tribal communities capable of managing, administering and looking after their own needs by access to higher education through a University of their own;
- (13) to take appropriate measures for promoting innovations in teaching-learning processes in inter-disciplinary studies and research; and to pay special attention to the improvement of the social, educational and economic conditions and welfare of the Scheduled Tribes, their intellectual, academic and cultural development.

6. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and functions, namely:-

Powers and
functions
of
University.

- (1) to provide for the instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provision for research, advancement and dissemination of knowledge;
- (2) to make such provision as would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (3) to organize common laboratories, libraries and other equipments for teaching and research;
- (4) to establish, take over, maintain and manage college, department, centres and institutes of research or specialized studies;
- (5) to institute Professorships, Associate Professorships or Assistant Professorships and other posts of teachers required by the University;
- (6) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or otherwise as teachers of the University;
- (7) to lay down the courses of instruction including inter-disciplinary studies for various examinations;
- (8) to guide teaching and research work in colleges, University departments, or recognised institutions;
- (9) to institute degrees, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, diplomas and other academic distinction on persons who –
 - (a) have pursued course of study in the University or in an affiliated college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations or Rules and have passed the examinations prescribed by the University, or

- (b) have carried on research as per the conditions prescribed by the Ordinances, Regulation or Rules;
- (11) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (12) to grant such diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, Regulations or Rules;
- (13) to admit educational institutions to the privileges of the University and to withdraw such privileges;
- (14) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained and adequate library, laboratory and facilities for skill formation and enhancement are made therein;
- (15) to control and co-ordinate the activities of affiliated colleges, institutions and recognised institutions and to regulate the fees to be paid by the students in such colleges and recognised institutions;
- (16) to institute and award fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals, and prizes;
- (17) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (18) to make special provisions for disseminating knowledge and promoting arts and culture;
- (19) to fix, demand and receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (20) to establish, maintain and manage hostels by the University, and to recognise such hostels which are not maintained by the University. Such hostels may be inspected by the University and recognition may be withdrawn, if University deems it fit and proper;
- (21) to supervise, regulate and control the conduct and discipline of the students of the University, the affiliated colleges and the recognised institutions and to make arrangements for promoting their health and general welfare;
- (22) to institute and manage-
- (a) Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureau; and
 - (d) Employment Bureau;
- (23) to make provisions-
- (a) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps, etc.;
 - (b) for sports and athletic activities;
 - (c) for compliance of other academic, extra-curricular and co-curricular activities;
 - (d) to make necessary arrangements for obtaining accreditation from the National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA),

(National Board of Assessment) (NBA) or any other statutory accreditation agency constituted by the Central or the State Government, as the case may be;

- (e) to comply with the directives/instructions of the State Government to the affiliated colleges and recognised institutions and the University from time to time;
- (24) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (25) to promote the development of the study of Gujarati and Hindi (in Devnagari script) and the use of Gujarati and Hindi (in Devnagari Script) or both or English as a medium of instruction in education and examination;
- (26) to make arrangements for training for competitive examinations for recruitment to the services under the Union and the State Government;
- (27) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;

- (28) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercised after obtaining previous approval of the State Government;

- (29) to do all such acts and things whether incidental to the powers and functions as, aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

7. (1) No educational institution within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law.

Jurisdiction
and
admission to
privileges.

(2) Any such privileges enjoyed from the Gujarat University before the date on which this Act comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Gujarat University and situated within the University area shall be deemed to be admitted to the privileges of the

University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Gujarat University and the Gujarat University Act, 1949 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had of the Gujarat University immediately before such date.

Bom. L of
1949.

(4) Any educational institution, situated outside the University Area, but within the State of Gujarat, may be admitted to the privileges of the University subject to prior permission of the State Government and subject to such conditions and restrictions as the University may think fit and proper.

(5) The State Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

University open
to all
irrespective of
sex, religion
class, creed or
opinion.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or courses of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognise any college or institution exclusively for women, or reserved for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Power of State
Government to
give directions,
order
assessment, and
order inquiry.

9. (1) The State Government shall have power to issue directions from time to time as may be required for compliance of any of the provisions made by or under this Act.

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or *prima facie* case to believe that the University has contravened any of the vital provisions of this Act, Statutes, Regulations or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days as to why an inquiry should not be ordered. If the reply of the University to the notice is not satisfactory, the State Government may order an inquiry.

V of 1908.

(4) The inquiry officer or the committee as such appointed by the State Government shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, and production of documents and record from any office, etc.

(5) The report of the inquiry shall also be given to the University to present its case before the State Government. However, on consideration of the presentation of the University and the corrective steps proposed by it, still if the State Government is of the opinion that continuation of the existing University administration will gravely harm to the interests of the students, staff and the objectives of the University, or there is a gross financial mismanagement and serious mal-administration, the State Government may take appropriate steps as it may deem fit and proper.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:-

Officers of
University.

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Registrar;
- (v) the Law Officer;
- (vi) the Finance and Accounts Officer;
- (vii) the Controller of Examinations;

(viii) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

Eligibility of
age limit in
various
authorities
and offices.

11. No person shall be appointed, nominated or, as the case may be, co-opted,-

- (i) as an officer referred to in clauses (iii), (iv), (v), (vi), (vii) and (viii) of section 10;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other board or body thereof, after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairperson or a member of any of the authorities of the University committee or any other board or body thereof, who is the Chairperson or member by virtue of his office as the Vice-Chancellor or the Pro-Vice-Chancellor:

Provided further that nothing in this section shall apply to the visiting teachers, Emeritus Professors, Consultants, Scholars, Mentors or Advisors.

Vice-
Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) To be eligible for being appointed as the Vice-Chancellor, a person shall be,-

- (i) an eminent academician having Ph. D. Degree with a minimum of ten years of experience as a professor, or;
- (ii) a distinguished academician having Ph. D. Degree with a minimum of twelve years of academic/educational administrative experience in a University, reputed academic or administrative or research institution or organisation.

(3) The Vice-Chancellor shall be appointed by the State Government from among three persons recommended by a Search Committee constituted for the purpose under sub-section (4).

(4) For the purpose of sub-section (3), the State Government shall constitute a Search Committee which shall consist of the following members, namely:-

- (i) two members (not being persons connected with the University or with any affiliated college, recognised institution or institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly; and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;

- (ii) one member, who is an eminent educationist and has contributed to the University education system, to be nominated by the State Government.

(5) The State Government shall designate one of the three members of the Committee as its Chairperson.

(6) The Committee so appointed shall, within maximum eight weeks and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.

(7) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for being re-appointed to that office for one more term only:

Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of seventy years.

(8) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government:

Provided that such emoluments and terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(9) (a) During the leave or absence of the Vice-Chancellor or,

- (b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, the Pro-Vice-Chancellor or, in his absence, one of the Deans nominated by the State Government for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(10) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of acceptance of resignation by the State Government.

(11) The Vice-Chancellor may be removed from his office by the State Government, if it is satisfied that the incumbent,-

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;

- (e) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is afforded to him.

Powers of
Vice-
Chancellor.

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall preside at the meetings of the Board of Governors. He shall be an *ex-officio* Chairperson of the Executive Council, Academic Council, Finance Committee and Building and Estate Committee. He shall be entitled to be present with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have power to convene meetings of the Executive Council, the Academic Council and the Finance Committee and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all the powers necessary for this purpose.

(4) (a) The Vice-Chancellor shall nominate members on any of the authorities as required under this Act.

(b) (i) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University and the University as a whole shall vest in the Vice-Chancellor.

(ii) The Vice-Chancellor may delegate all or any of his powers referred to in clause (i), as he deems proper, to the Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding action taken by him with the reasons he has considered as emergent, to such officer, authority or body as would have in the ordinary course have dealt with the matter.

(b) When action taken by the Vice-Chancellor under this subsection affects any person in the service, such person shall be entitled to prefer an appeal to the Executive Council, within a

period of thirty days from the date on which notice of such action is communicated to him.

(6) The Vice-Chancellor shall give effect to the orders of the Board and the Executive Council regarding appointment, dismissal, suspension and punishment of the persons in the service of the University or of the teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University.

(7) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of opinion that the implementation of any order or a resolution of an authority specified in or declared under section 20, or the doing of anything which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, the State Government or Professional Regulatory bodies, as the case may be,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to why the said order or resolution may not be rescinded or revised or modified in the manner stated by him or the doing of the thing be refrained from.

- (b) Where the authority after reconsideration revises or modifies the order or resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.
- (c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, he shall refer the matter to the State Government for its decision.

- (d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against such order or resolution.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).
- (f) In case where the authority modifies or revises its order or resolution under clause (b) or where the State Government revises or modifies the order or resolution under clause (d), any action, if taken prior to forwarding a copy of the order or resolution or making a reference with regard to doing of the thing by the Vice-Chancellor under clause (a) to the concerned Authority, shall be treated as *ab-initio* void.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes, Ordinances or Regulations.

Pro-Vice-Chancellor.

14. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from the panel of three persons recommended by the Vice-Chancellor.

(2) No person appointed as the Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years.

(3) The term of the office of the Pro-Vice-Chancellor shall be three years.

(4) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University and his emoluments and terms and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and terms and conditions of service of the holder of such office shall not during currency of the term of the holding of that office, be varied to his disadvantage without his consent.

(5) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such powers and perform such duties, which are specially or generally conferred or imposed on him by the Vice-Chancellor and as prescribed by the relevant Statutes.

(6) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor or in the event of being unable to perform the duties of his office, exercise all the rights and powers, and discharge all the functions and duties of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall preside,-

- (a) in absence of the Vice-Chancellor, at the meetings of the Board; and
- (b) in absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.

(8) The Pro-Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of the acceptance of resignation by the State Government.

15. (1) There shall be a Dean of each faculty who shall be elected from amongst the concerned faculty members of the University in the manner as may be prescribed by the relevant Statutes.

Dean of
Faculty.

(2) The Dean shall assist the Vice-Chancellor and the Pro-Vice-Chancellor in managing the academic and other allied affairs of the University as entrusted to him by the Vice-Chancellor.

(3) The Dean shall hold office for a term of three years.

(4) The Dean shall be the principal executive authority of the Faculty and shall exercise the following powers and perform the following functions, namely:-

- (i) he shall be the Chairperson of the Faculty concerned and shall preside at its meetings of the Faculty;
- (ii) he shall attend the meeting of any Board of Studies in the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
- (iv) he shall plan and organise seminars, refresher courses, and work-shops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and institutions in respect of subjects under the Faculty;
- (vi) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval of the proposals for the programmes of visiting teachers and for the exchange of teachers;

- (viii) he shall exercise such other powers and perform such other functions as may be prescribed under the relevant Statutes.

Registrar.

16. The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board, the Executive Council and the Academic Council. He shall be appointed by the University with the prior approval of the State Government and his emoluments and terms and conditions of service shall be determined by the Statutes. He shall be responsible for the due custody of records, the common seal and such other properties and assets of the University as the Executive Council shall commit to his charge. He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Law
Officer.

17. (1) The Law Officer shall be appointed by the University. He shall be in-charge in respect of all the legal matters for and against the University.

(2) The qualifications, experience, powers, functions and duties of the Law Officer shall be such as may be prescribed by the Statutes.

Finance and
Accounts
Officer.

18. (1) The Finance and Accounts Officer shall be appointed by the State Government on deputation. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The qualifications, terms and conditions of service and the tenure of the Finance and Accounts Officer shall be such as may be determined by the State Government.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the same shall be performed by such other officer as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall,-

- (i) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and
- (ii) perform such other financial functions as may be prescribed by the Statutes; and also has assigned by the Vice-Chancellor.

19. (1) The Controller of Examinations shall be a whole time salaried officer of the University. He shall be appointed by the University with the prior approval of the State Government.

Controller of
Examinations.

(2) The qualifications, terms and conditions of service and the tenure of the Controller of Examination shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF UNIVERSITY

20. The following shall be the authorities of the University, namely:-

Authorities
of
University.

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee;
- (v) the Buildings and Estate Committee;
- (vi) the Faculties;
- (vii) the Board of University Teaching and Research;
- (viii) the Boards of Studies;
- (ix) such other boards and bodies of the University as may be declared by the Statutes, to be the authorities of the University.

21. (1) The Board of Governors shall consist of the following members, namely:-

Board of
Governors.

I. *Ex-Officio* Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (v) the Secretary to the Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (viii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;

- (ix) the Commissioner of Health and Medical Services, and Medical Education, Gujarat State, or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Head of the Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) two Principals of affiliated colleges of each District, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) one University teacher, to be nominated by the Vice-Chancellor from amongst themselves taking into consideration the overall seniority and by rotation;
- (iv) four teachers of the affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) five registered graduates from Faculties of Arts, Science, Commerce, Professional and all others, one from each faculty in the manner as prescribed by the Statutes, to be nominated by the Vice-Chancellor for the term of one year;
- (vi) one member of any municipal corporation, to be nominated by the State Government from the University area;
- (vii) one member of any municipality, to be nominated by the State Government from the University area;
- (viii) one member of any district panchayat, to be nominated by the State Government from the University area;
- (ix) three members of the State Legislative Assembly, to be nominated by the State Government from the University area;
- (x) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, representatives of backward communities, women and such other classes of persons;
- (xi) one donor, to be nominated by the State Government.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

(3) The term of members, other than *ex-officio* members shall be three years, except for the members under registered graduates category.

22. (1) The Board shall meet on such date as may be fixed by the Vice-Chancellor, once in a year at a meeting to be called the annual general meeting of the Board.

Meetings
of
Board of
Governors.

(2) The Vice-Chancellor may, whenever, and shall, upon a requisition in writing by not less than one-third of the total members of the Board convene a special meeting of the Board of Governors.

(3) The Board shall meet at least two times during a calendar year generally.

(4) The quorum shall not be less than one-third of the total number of members of the Board (any fraction contained in that one-third being rounded of as one).

(5) A written notice of every meeting together with agenda shall be circulated by the Registrar, to the members of the Board at least not less than fifteen clear days invariably before the date of the meeting. The Vice-Chancellor may permit inclusion of any item for which due notice could not be given in the meeting.

(6) The Chairperson, if present shall preside over the meetings of the Board and in his absence, the Pro-Vice-Chancellor shall preside at the meeting.

(7) The ruling of the Chairperson on about any question of procedure shall be final.

(8) In case of difference of opinion amongst the members, the opinion of the Vice-Chancellor shall prevail.

(9) Each member of the Board, including the Chairperson shall have one vote and if there is a tie, viz. a deadlock, equality of votes on any question to be determined by the Board, the Chairperson of the Board shall have a casting vote.

(10) The minutes of the proceedings of a meeting of the Board shall be drawn up by the Registrar with the approval of the Chairperson of the Board and circulated invariably within twenty days to all the members of the Board. The minutes, along with amendments, if any suggested, shall be placed for confirmation at the next meeting of the Board. After the minutes are confirmed and signed by the Chairperson of the Board, they shall be recorded in the minute book which shall be kept open for inspection by the members of the Board.

23. Subjects to the other provisions of this Act, the Board shall exercise the following powers and perform the following duties, namely:-

Powers and
duties of Board
of Governors.

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;

- (ii) to institute Professorships, Associate Professorships, Assistant Professorships and other posts of teachers as may be required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;
- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the annual financial estimates prepared by the Executive Council and pass resolutions with reference thereto;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act and all such other powers for achieving the objects of the University.

Executive
Council.

24. (1) The Executive Council shall be the executive authority of the University and shall consist of the following members, namely:-

I. *Ex-Officio* Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (iv) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Health and Medical Services and Medical Education, Gujarat State or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Heads of University Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) four Principals of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) two Teachers, to be nominated from amongst University teachers, other than Heads of the Department, by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iv) four teachers of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;

- (v) four Distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, public administrators, representatives of backward communities, women and such other classes of persons.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

25. (1) Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:-

Powers and
duties of
Executive
Council.

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise or performance of the powers and duties assigned to it by this Act and the Statutes, in consultation with the Finance Committee, Buildings and Estate Committee or if there is a Legal Committee, with it;
- (iii) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to prepare the annual financial estimates of the University and to submit them to the Board;
- (vi) to sanction the transfer of any amount within the budget grant from one minor head to another or from subordinate head under the minor head to a subordinate head under another minor head;
- (vii) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
- (viii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
- (x) to transfer any movable or immovable property on behalf of the University;
- (xi) to raise loans on the security of the assets of the University;
- (xii) to manage and regulate finances, accounts and investments of the University;
- (xiii) to institute and manage -
 - (a) Printing and publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;

- (xiv) to make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (xv) to manage colleges, University Departments, institution of research or specialised studies, laboratories, libraries and hostel maintained by the University;
- (xvi) to arrange for, and direct, the inspection of affiliated colleges, recognised institution, and hostels and to issue instructions for maintaining their efficiency and/or ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;
- (xvii) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (xviii) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (xix) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (xx) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (xxi) to make recommendations for appointments of teachers and employees of the University, to fix their emoluments and define their duties and terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (xxii) to recognise a member of the staff of an affiliated college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (xxiii) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (xxiv) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxv) to make, amend and cancel the Ordinances ;
- (xxvi) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed upon by or under this Act;
- (xxvii) to exercise all the powers of the University not provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (ix), (x) and (xi) of sub-section (1).

(3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board and the State Government.

(4) The exercise of the powers by the Executive Council under clause (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised institutions shall be subject to the approval of the State Government.

(5) The Executive Council may by Ordinances appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

26. (1) The Academic Council shall be the academic body of the University and shall consist of the following members, namely:-

Academic Council.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) not more than six faculties, excluding the Deans of Faculties to be nominated by the Vice-Chancellor.

(2) The term of office of the members of the Academic Council other than the *ex-officio* members shall be three years:

Provided that a member specified in clauses (iii) and (iv) of sub-section (1) shall cease to hold his office as such member, if he ceases to be a Dean of a Faculty or, as the case may be, a member of the respective Faculty.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decisions of Academic Council in so far as the academic matters are concerned, shall be final and be implemented forthwith.

Powers and duties of Academic Council.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:-

- (i) to approve Regulations made by the Faculty concerned laying down courses of studies;
- (ii) to approve Regulations made by the Faculty concerned, regarding the special courses of studies;

- (iii) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (iv) to promote research within the University;
- (v) to approve proposals for allocating subjects to Faculties;
- (vi) to make proposals to the Board for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories as well as centres for skill development and enhancement;
- (vii) to approve and recommend to the Executive Council proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other posts of teachers as may be required by the University and for prescribing the duties and fixing the emolument of such posts;
- (viii) to approve and recommend to the Board, the proposals for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals and prizes;
- (ix) to approve regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (x) to make and approve Regulations prescribing the equivalence of examinations;
- (xi) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xii) to grant inter-disciplinary courses and take all measures to improve Choice Based Credit System (CBCS);
- (xiii) generally, to advise the University on all academic matters;
- (xiv) to exercise such other powers and perform such other duties as may be conferred or, imposed on it by and under this Act.

Finance
Committee.

28. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (iv) one member of the Board, to be nominated by the Board;
- (v) one expert in the field of finance, to be nominated by the Board.

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) A nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and the resignation shall take effect from the date it is accepted by the Vice-Chancellor.

29. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following duties, namely:-

Powers and
Duties of
Finance
Committee.

- (i) to examine the annual accounts and annual estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University ;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget, and to place the same before the Board;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate the University Fund;
- (x) to grant tenders, contracts and other expenditure, projects, and recommend to the Executive Council for final approval; and
- (xi) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

30. (1) The Buildings and Estate Committee shall consist of the following members, namely:-

Buildings and
Estate
Committee.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Roads and Buildings Department or his nominee not below the rank of Deputy Secretary;

- (v) one representative of the Institute of Engineers (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members;
 - (vi) one representative of the Institute of Architects (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members.
- (2) The University Engineer shall function as the Secretary of the Committee.
- (3) The term of the nominated members of the Committee shall be three years.
- (4) The Committee shall,-
- (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilisation of the grants received from the University Grants Commission (UGC), the State Government or from any agency;
 - (b) be responsible for the maintenance and upkeep of the University buildings;
 - (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
 - (d) exercise such powers, as delegated to it by the Executive Council.
- (5) The Committee may constitute one or more sub-committees to oversee the work of any project.

Faculty.

31. (1) The University shall include the Faculties of Arts, Education, Sciences, Law, Medicine, Commerce and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

- (i) the Chairperson of the Boards of Studies for the subjects with which the Faculty is concerned; and
- (ii) not more than three members of the Board of Studies as are assigned to the Faculty by the Executive Council.

(3) A teacher in a subject included in more than one Faculties shall, within one month from the date on which he becomes a member of the Board of Studies, select by intimation in writing to the Registrar, any one of such Faculties to which he wishes to be assigned, if he intends to make such selection. The Executive Council shall assign to him any one of such Faculties and the selection or assignment so made shall be irrevocable for the entire term of membership.

(4) All Faculties shall be located at the headquarters of the University:

Provided that in respect of any of such Faculties, the State Government after consulting the University may, by notification in the *Official Gazette*, direct that the Faculty specified in the notification shall be located at such place outside the headquarters of University and thereupon the Faculty shall be located accordingly.

32. (1) The Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and duties of the examination of the University for the subjects assigned to the Faculty.

Powers
and duties
of Faculty.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Faculty shall exercise the following powers and perform the following duties, namely:-

- (i) to make regulations in consultation with the concerned Board of Studies laying down courses of studies;
- (ii) to make regulations regarding the special courses of studies;
- (iii) to make regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University; and suggest measures to develop research in University, affiliated colleges and recognised institutions ;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of departments, institution of research and specialised studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships and Assistant Professorships and any other post of teachers as may be required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and other awards and to make regulations for their grant;
- (ix) to make regulations for the maximum workload of teacher, the minimum teaching work for every subject, minimum laboratory work, research library work, counseling, project work to be done by students for any subject;
- (x) to make regulations prescribing equivalence of examinations;

- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University, affiliated colleges or recognised institutions for qualifying for degree, diploma and other distinctions;
- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies;
- (xiii) to exercise such other powers and perform such other duties as may be conferred by or imposed upon it, by or under this Act.

**Board of
Studies.**

33. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

(2) Subject to the provisions of sub-section (3), each Board of Studies shall consist of,-

- (i) not more than one Head of the University Department, if any, in the subject;
- (ii) not more than three Heads of the Departments, in the special subjects taught at degree level in the affiliated colleges and recognised institutions;
- (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.

(3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency, subject, however, to the condition that the total number of co-opted and nominated members shall not exceed seven.

(4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, and for three years or maximum of two terms.

(5) The Chairperson and members of the Board of Studies shall be nominated by the Vice-Chancellor.

(6) The powers and duties of a Board of Studies shall be as follows, namely:-

- (i) to recommend courses of studies in the subject;
- (ii) to recommend and prescribe where necessary, books for study in the subject;
- (iii) to recommend programmes for extension services and research in the subject;
- (iv) to recommend organization of seminars, refresher courses and workshops to the concerned Dean of the Faculty;
- (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based Education with Choice Based Credit System;

- (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books of study;
- (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
- (viii) to review periodically the terminology current in the subject; and
- (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(7) The Board of Studies shall meet at least twice during an academic term as may be determined by the Ordinances.

34. The constitution, powers and duties of other Boards and Bodies which may be declared to be the authorities of the University under section 20, shall be such as may be prescribed by the Statutes.

Constitution,
powers and
duties of other
Boards and
bodies of
University.

CHAPTER V STATUTES, ORDINANCES AND REGULATIONS

35. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

Statutes.

- (i) to confer degrees and conferment of honorary degrees and holding of convocation;
- (ii) powers and duties of the officers of the University;
- (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iv) to institute and maintain the University departments, institutes of research or specialised studies, post-graduate centre in affiliated colleges and hostels;
- (v) acceptance and management of bequests, donations and endowments;
- (vi) registration of graduates and maintenance of a register of registered graduates;
- (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
- (viii) qualifications of Professors, Associate Professors, Assistant Professors and teachers in affiliated colleges and recognised institutions;
- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

Making
amendments,
operation
and repeal of
Statutes.

36. (1) The Statutes may be made by the Board or may be amended, repealed or added to by the Board in the manner hereinafter provided.

(2) The Board may take into consideration the draft of a Statutes either of its own motion or on a proposal by the Executive Council.

(3) The Executive Council may propose to the Board draft of any Statutes to be passed by the Board.

(4) The draft of Statutes shall be considered by the Board at its next succeeding meeting. The Board may approve such draft and pass the Statutes or may reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which the Board may suggest. After any draft of Statutes so returned has been further considered by the Executive Council together with any amendment suggested by it, it shall be again presented to the Board with the report of the Executive Council thereon and the Board may then deal with the draft in the manner as it thinks fit and proper.

(5) Where a Statute affects the powers or duties, of an officer, authority or Board of the University-

- (i) the Executive Council shall, before proposing the draft of such Statutes, ascertain and consider the views of the concerned officer, authority or Board concerned; and
- (ii) the Board, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Executive Council.

(6) Where the Statutes seek to provide for academic matters, the Board shall, before passing such Statutes, consult the Academic Council.

(7) Every Statute passed by the Board shall be submitted to the State Government which may give or withhold approval thereto or refer it back to the Board for its reconsideration.

(8) No Statute passed by the Board shall have validity until approved by the State Government.

Ordinances.

37. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:-

- (i) conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;

- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of students of the University, affiliated colleges and recognised institutions;
- (vi) recognition of hostels;
- (vii) inspection of affiliated colleges, recognised institutions and hostels;
- (viii) rules to be observed and enforced by the affiliated colleges and recognised institutions in respect of transfer of students;
- (ix) to fix the fees to be charged from the students;
- (x) mode of execution of contracts or agreements for, or on behalf of the University;
- (xi) all matters which, by this Act are to be or may be provided for by the Ordinances; and
- (xii) generally all matters for which provision is, in the opinion of the Executive Council, necessary for the exercises of the powers conferred or the performance of the duties imposed upon the Executive Council by this Act or the Statutes.

38. (1) The Ordinances shall be made by the Executive Council:

Making of
Ordinances.

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 37, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made unless a draft of the same has been proposed by the Academic Council.

(2) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power, by a resolution, to cancel or to refer back, but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Board.

(4) The Vice-Chancellor shall, on application of not less than one-third of the members of the Board, suspend the operation of any such Ordinance until the Board has considered it as provided in sub-section (3).

39. (1) The Academic Council, or as the case may be the Faculty, may, subject to the approval of the Academic Council, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for, by Regulations and for all other matters solely concerning itself.

Regulations
and Rules.

(2) Any authority of the University specified in clauses (iv) to (ix) of section 20 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any authority or other Boards shall have effect from such date as the authority making the Regulations or rules, may direct:

Provided that a Regulation or rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI AFFILIATION, RECOGNITION AND ACCREDITATION

Affiliation. 40. (1) A college applying for affiliation to the University shall send an application to the Registrar, and shall satisfy the Executive Council and the Academic Council,-

- (a) that the college will supply a need in the locality, and the suitability of the locality where the college is to be established;
- (b) that the college shall be under the management of a regularly constituted governing body under registered trust or, as the case may be, registered society;
- (c) that the strength and qualifications of the teaching and non-teaching staff and the conditions governing their tenure of office are such as to make due provision for the course of instruction, teaching or training to be undertaken by the college;
- (d) that the buildings in which the college is to be located are suitable, and provision shall be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of the students;
- (e) that due provision has been made or shall be made for library;
- (f) that where affiliation is sought in any branch of experimental science, that arrangements have been or shall be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (g) that the financial resources of the college are such as to make due provisions for its continued maintenance and efficient working.

(2) The application shall contain an undertaking that after the college is affiliated, any transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not

being fulfilled or continued to be fulfilled shall be forthwith reported to the Executive Council.

(3) On receipt of an application under sub-section (1), the Executive Council shall-

- (a) direct local inquiry to be made by a competent person or persons authorized by the Executive Council in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
- (b) make such further inquiry as may appear to it to be necessary;
- (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
- (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry made under clauses (a), (b) and (c) of sub-section (3).

(4) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated, and, where the application or any part thereof is refused the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board a report regarding the application, the action taken thereon under sub-sections (3) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

41. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 40 shall be followed.

Addition of
courses of
instruction.

42. (1) The rights conferred on a college by affiliation may be withdrawn by the Executive Council in whole or in part or may be modified, if the college fails to comply with the provisions of the Statutes or Ordinances governing the affiliation or if the affairs of the college are conducted in a manner which are prejudicial to the interests of education:

Withdrawal
of affiliation.

Provided that no such affiliation shall be withdrawn unless the college is given an opportunity of being heard.

(2) If any affiliated college aggrieved by sub-section (1) raises any dispute as to the withdrawal of its rights of affiliation, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

Recognised
institution of
research and
specialised
studies and
withdrawal
thereof.

43. (1) Any institution situated within the University area, which conducts specified research or studies may be recognised by the Executive Council in consultation with the Academic Council as a recognised institution for such purpose and in such manner and subject to such conditions, as may be prescribed by the Statutes.

(2) Any such recognition may be withdrawn either in whole or in part or may be modified in such manner and for such reasons, as may be prescribed by the Statutes.

Inspection
of colleges
and
reports,
etc.

44. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Executive Council, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or institution.

(2) The Executive Council shall cause such college or institution to be inspected from time to time by one or more competent persons authorized by the Executive Council in this behalf.

(3) The Executive Council may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary on the basis of the findings and recommendations as a result of inspection as referred to in sub-section (2).

Accreditation
of University.

45. The University shall obtain accreditation from the National Council of Assessment Accreditation (NAAC) within five years of its establishment and such other regulating bodies of the Government of India and the Government of Gujarat which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

CHAPTER VII**POST-GRADUATE TEACHING AND RESEARCH**

46. (1) Within the University area, all post-graduate instruction, teaching and training shall be conducted by the University or subject to control of the University by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes.

Post-graduate
instruction,
teaching
and training.

(2) For the purpose of organising and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching and Research.

(3) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(4) The University may maintain University Centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes.

(5) The Board of University Teaching and Research shall,-

- (i) advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (ii) consider and report to the authorities on the institution of research degrees in the University;
- (iii) propose regulations regarding the award of research degrees;
- (iv) appoint supervisors for research studies and to determine the subjects of their thesis;
- (v) recommend panel of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf;
- (vi) perform such other functions as may be prescribed by the Statutes.

CHAPTER VIII**CONFERMENT OF DEGREES, DIPLOMAS, ETC.**

47. (1) The Board may, in consultation with the Academic Council and the Executive Council institute such degrees, diplomas and other academic distinctions as may be prescribed under the relevant Statutes.

Conferment
of degrees,
diplomas,
and other
academic
distinctions.

(2) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant degrees, diplomas, honorary degrees and other academic distinctions in accordance with the provisions of this Act.

(3) The Academic Council shall by an appropriate resolution or resolutions confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided by the Statutes, who have passed an examination at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.

(4) The convocations of the University for the conferment of honorary degree, degrees, diplomas, certificate and academic distinctions shall be held in such manner as may be prescribed by the Statutes.

Honorary
degree.

48. (1) If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board present at a meeting of the Board, such majority comprising not less than one-half of the members of the Board, and the recommendation is confirmed by the State Government, the Board may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

(2) Not more than two persons shall be conferred with such academic distinction of honorary degree during an academic year, by the University.

(3) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, recommend to the State Government after consultation with the Vice-Chancellor to withdraw an honorary degree granted to any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

Removal of
person from the
register of

49. (1) The Vice-Chancellor may, on the recommendation of the Executive Council and the Academic Council supported by a majority of not less than two-thirds of the members of each body present at its meeting,

such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or a degree if he has been convicted by a court of law of any offence which in the opinion of the competent authority is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(2) No action under sub-section (1) shall be taken unless the person concerned is given an opportunity of being heard.

CHAPTER IX COMMITTEES

50. (1) There shall be formed a committee for each Faculty for the purpose of drawing up the list for appointment of the University Examiners, consisting of,-

Examiners'
Committee.

- (i) the Dean, who shall be the *ex-officio* Chairperson;
- (ii) the Chairperson of the Board of Studies; and
- (iii) two members of the Board of Studies, nominated by the Vice-Chancellor for the year.

(2) The list of Examiners prepared by the Committee shall be placed by the Academic Council before the Vice-Chancellor for approval who may either approve, or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the Committee shall be such as may be prescribed by the Statutes.

51. The Board of Governors, the Executive Council, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing such committees.

Other
Committees.

CHAPTER X FINANCE

52. (1) The University shall establish a fund to be called the "University Fund".

University
Fund.

(2) The following shall form part of, or be paid into, the University fund,-

- (a) any contribution or grants by the State Government, the Central Government, or the University Grants Commission;
- (b) the income of the University from all sources including income from fees and charges;
- (c) bequests, donations, endowments and other grants, if any;
- (d) any sum borrowed from the banks with the permission of the State Government.

(3) All moneys credited to the fund of the University shall be deposited in any of the Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the surplus fund shall be invested, in such manner as the Board on the recommendation of the Finance Committee or as per the directions of the State Government issued from time to time in this behalf. 11 of 1934.

(4) No money from the University Fund shall be spent except as otherwise provided for meeting its objectives.

Annual
accounts and
financial
estimates and
audit.

53. (1) The annual accounts of the University shall be prepared and audited under the direction of the Executive Council and shall be submitted to the State Government.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Board and to the State Government.

(3) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit; and finally adopt the accounts and financial estimates. The Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

(5) The annual accounts of the University shall be audited every year within three months of the closing of the financial year, by the auditors, appointed by the Finance Committee from amongst the firms of Chartered Accountants, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so-audited within the stipulated time limit, failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

(6) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be submitted to the State Government, and, on receipt of such audited accounts, the Board shall consider and pass such resolution thereon as it thinks fit.

(7) The State Government shall cause to be conducted the audit of the accounts of the University at least once in a year by the auditors appointed by the State Government.

54. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes and shall be considered by the Board at the annual meeting. The Board may pass resolution thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

Annual reports.

CHAPTER XI

SUPPLEMENTARY PROVISIONS

55. (1) Subject to the provisions of this Act, the teachers, officers, and other employees of the University shall be appointed in such manner and with such designations and grades as may be prescribed in the relevant Statutes, Ordinances and Regulations.

Appointment of teachers and other employees.

(2) The teachers, officers, and other employees of the University appointed under this Act shall be entitled to such salary and allowances, and shall be governed by such conditions of service and code of conduct as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(3) No person shall be appointed as a teacher of the University, affiliated college or, as the case may be, recognised institution, unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grants Commission, the State Government, the University or other statutory regulatory bodies, as specified in the relevant Statutes, Ordinances and Regulations.

(4) Till the first Statutes, Ordinances, Regulations and Rules under section 69 are framed, relevant Government rules, norms as underlined by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

45 of 1860.

56. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servant.

Explanation.- For the purposes of this section, any person who is appointed by the University for a specified period, or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or an employee of the University

while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

Pension,
insurance
and
provident
fund of staff
of University,
etc.

57. (1) The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or institution in matters of pension, insurance and provident fund or for other benefits as may be prescribed by the Statutes.

Provident
fund to be
deposited in
Government
treasury.

58. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 57, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give and thereupon,-

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government employee is for the time being entitled to on the balance in his provident fund account; and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to the Government employees shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies.

Vacating of
office.

59. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of the receipt of the letter by the Vice-Chancellor, whichever event occurs earlier.

(2) Any member of any authority or body of the University shall cease to be a member on being convicted by a court of law of an offence, which in the opinion of the Executive Council, involves moral turpitude.

60. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Filling of
casual
vacancies.

61. (1) It shall be the duty of every officer, teacher and other employee of the University to ensure that the interests of the University are duly safeguarded.

Liability
for
damage.

(2) If it is found that any damage or loss has been caused to the University by any unlawful act not done in good faith, on the part of such officer, teacher, or other employee, or by any wilful failure to act in conformity with the provisions of this Act, the Statutes, Ordinances, Regulations or Rules, or by any wilful neglect or default on his part, such damage or loss shall be liable to be recovered from him in accordance with the procedure prescribed by the Statutes.

62. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Proceedings
not
invalidated by
vacancies.

63. Where any question arises as to,-

Disputes as to
constitution of
University
authority or
body.

(i) the interpretation of any provision of this Act, or Statute, Ordinance, Regulation or Rule, or

(ii) whether a person has been appointed as, or is entitled to be or ceases to be, a member of any authority or other body of the University,-

(a) it may be referred to the State Government if it relates to a matter specified in clause (i); and

(b) it shall be referred to the State Government if,-

(i) it relates to a matter specified in clause (ii); or

(ii) if twenty members of the Board so require irrespective of whether it relates to a matter specified in clause (i) or clause (ii), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

Protection
of acts and
orders.

64. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

CHAPTER XII

TRANSITORY PROVISIONS

Transfer of
certain
colleges,
departments
and centres
of Gujarat
University to
the
University..

65. (1) Notwithstanding anything contained in the Gujarat University Act, 1949 or in the Statutes, Ordinances, Regulations, Rules and orders made thereunder, the colleges and the departments and the centres situated within the University area shall, from the date of the commencement of this Act, cease to be the colleges, departments or, as the case may be, centres of the Gujarat University and shall be transferred to and vest in the University.

Bom. L of
1949.

(2) The control and management of the colleges, departments and centres referred to in sub-section (1) shall, with effect on and from the date of the commencement of this Act, stand transferred to the University and all properties and assets (whether movable or immovable) and liabilities of the Gujarat University in relation thereto shall stand transferred to and vest in or devolve upon the University.

(3) Where immediately before the date of commencement of this Act, the Gujarat University has made any contract in relation to the said colleges, departments or centres, such contracts shall be deemed to have been made by the University and any reference therein to the Gujarat University shall be construed as reference to the University.

(4) Where immediately before the commencement of this Act, the Gujarat University is a party to any legal proceedings with respect to any property and assets transferred to the University under this section or with respect to any of the rights, liabilities or obligations of the Gujarat University which have become the rights, liabilities and obligation of the University, the University shall be deemed to be substituted for the Gujarat University as a party to those proceedings and the proceedings shall continue accordingly.

Terms and
conditions of
employees of
affiliated colleges
who were holding
the posts in affiliated
colleges of Gujarat
University.

66. Notwithstanding anything contained in this Act, every employee of the college affiliated to the University or the recognised institution, who is holding office (whether teaching or non-teaching) of the Gujarat University immediately before the commencement of this Act, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.

67. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situated within the University area and affiliated to the Gujarat University, who immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Gujarat University.

Completion of
courses of
students in
colleges
affiliated to
Gujarat
University.

68. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first Vice-
Chancellor.

69. (1) It shall be the duty of the first Vice-Chancellor,-

Transitory
powers of
first Vice-
Chancellor.

- (a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 43; and
- (b) to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of Advisory Committee consisting of not more than fifteen members nominated by the State Government,-

- (a) subject to the provisions of this Act and the approval of the State Government,-
 - (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business;
 - (ii) draw up any rules that may be necessary for constituting the aforesaid authorities;
- (b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

Extraordinary
powers of first
Vice-
Chancellor.

70. The Vice-Chancellor appointed under section 68 shall have powers until the Executive Council commences to exercise its functions,-

- (a) with the previous approval of the State Government to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force;
- (d) with the sanction of the State Government, to make for a period not exceeding two years such appointments as may be necessary to enable this Act or any part thereof to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

Appointment
of first Pro-
Vice-
Chancellor.

71. Notwithstanding anything contained in section 14, the first Pro-Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first
Registrar.

72. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

First
appointment
of officers and
teachers of
University.

73. (1) At any time after the commencement of this Act until such time as the authorities of the University commence to exercise their functions,-

- (a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the State Government;

- (b) the teachers of the University may be appointed by the State Government after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Commissioner of Higher Education, Gujarat State and such other person or persons, if any, as the State Government thinks fit to associate with them.

(2) Any appointment made under sub-section (1), shall be for such period not exceeding two years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Bom. L of
1949.

74. Notwithstanding anything contained in the Gujarat University Act, 1949, no member, other than an *ex-officio* member of any of the authorities of the Gujarat University shall be eligible to become a member of any of the authorities of the University established under this Act till such member has completed his term or has resigned from his office.

Prohibition
of
membership.

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Bom. L of
1949.

76. In the Gujarat University Act, 1949, in the Schedule, entries 3 and 6 shall be deleted.

Amendment
of Bom. L of
1949.

SCHEDULE [See section 2(14)]

1. Panchmahal District.
2. Dahod District.
3. Chottaudepur District.
4. Mahisagar District.
5. Vadodara District (excluding the Maharaja Sayajirao University of Vadodara area comprising the limits of the City of Vadodara and territories within a radius of ten miles (sixteen kilometers) from the office of that University)



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Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th September, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 25 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

further to amend the Gujarat Agricultural
Produce Markets Act, 1963.

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Second Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of 2. In the Gujarat Agricultural Produce Markets Act, 1963, in section **Guj. XX of 1964.**
section 31G of 31G, in sub-section (1), for the words "not less than five markets", the
Guj. XX of 1964. words "more than one market" shall be substituted.

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Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 26 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 16th September, 2015).

AN ACT

further to amend the Gujarat University Act, 1949 and the Sardar Patel University Act, 1955.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
Schedule I to
Bom. L of 1949.

2. In the Gujarat University Act, 1949, in Schedule I, entry 2 shall be deleted.

Bom. L of 1949.

Insertion of new
section 5A in
Bom. XL of 1955.

3. In the Sardar Patel University Act, 1955 (hereinafter referred to as "the principal Act"), after section 5, the following section shall be inserted, namely:-

Bom. XL of 1955.

Jurisdiction
and
admission to
privileges.

"5A. (1) No educational institution situate within the University area specified in the entries (2) and (3) of Schedule I shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(2) Any such privileges enjoyed from the Gujarat University before the date on which the Gujarat Universities Laws (Amendment) Act, 2015, comes into force, by any educational institution situate within the University area as specified in sub-section (1), shall be deemed to be withdrawn with effect from such date.

Guj.26 of
2015.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Gujarat University, and situated within University area as specified in sub-section (1), shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Gujarat University and the Gujarat University Act, 1949 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the Gujarat University immediately before such date."

Bom. L of
1949.

Amendment
of section 61
of Bom. XL
of 1955.

4. In the principal Act, the existing section 61 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in this Act or the Statutes and Ordinances made thereunder, any student of a college situate within the University area specified in the entries (2) and (3) of Schedule I and affiliated to the Gujarat University, who immediately before the date on which section 5A comes into force, was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat University.”.

5. In the principal Act, after section 61, the following section shall be inserted, namely:-

Insertion of
new section
61A in Bom.
XL of 1955.

Terms and
conditions of
employees of
colleges who
were holding the
posts in affiliated
colleges of
Gujarat
University.

“61A. Notwithstanding anything contained in this Act, every employee of a college affiliated to the University who is holding office (whether teaching or non-teaching) of the Gujarat University immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2015, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date and exercise such powers and perform such duties as are conferred on him by or under this Act.”.

Guj.26 of
2015.

6. In the principal Act, in Schedule I,-

(i) the existing entry shall be numbered as entry (1) of that Schedule ;

(ii) after entry (1), the following entries shall be added, namely:-

“(2) Anand Dsitriect (excluding the area as specified in entry (1)).

(3) Kheda District.”.

Amendment
of Schedule I
to Bom. LX
of 1955.



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C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 27 OF 2015.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 16th September, 2015).

AN ACT

further to amend the Gujarat Prohibition Act, 1949.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force at once.

Amendment
of section 2 of
Bom. XXV of
1949.

2. In the Gujarat Prohibition Act, 1949, in section 2, in clause (39A), in para (i), for the words and figures "less than 90 per cent.", the words and figures "less than 80 per cent." shall be substituted.

Bom. XXV
of 1949.



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C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 28 OF 2015.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th September, 2015).

AN ACT

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 63AA
of Bom. LXVII
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Gujarat Tenancy and Agricultural Lands Act"), in section 63AA,-

Bom.
LXVII
of 1948.

(1) in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in *lieu* of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.";

18 of
2013.

(2) in sub-section (4), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

"(b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from the date of certificate:

Provided that the period of five years may on an application made by the purchaser in that behalf be extended by two years by the Collector as he may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on the payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.";

- (3) after sub-section (4), the following sub-sections shall be inserted, namely:-

"(4A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-section (3) or thereafter, the Collector may, after an application is made to him in that behalf, grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

- (4B) Notwithstanding anything contained in sub-section (4) or sub-section (4A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/ certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfill the conditions as referred to in clause (i);

- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (5), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State Government and disposal of such land are concerned, shall *mutatis mutandis* apply;
- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause (iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);
- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,-
 - (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate; as referred to in sub-clause (i) of clause (c) of sub-section (3);
 - (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate; as referred to in sub-clause (i) of clause (c) of sub-section (3);
 - (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression "*bonafide* industrial purpose" includes and shall always be deemed to have included the establishment of the industrial park.";

(4) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period as specified in clause (b) of sub-section (4), or the period extended under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed."

3. In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following sections shall be inserted, namely:-

Insertion of new sections 63AB, 63AC, 63AD in Bom. LXVII of 1948.

Last transaction if made to an agriculturist to be valid even if earlier transaction or transactions may be invalid.

"**63AB.** (1) Notwithstanding anything contained in section 63, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 63, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an

agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit.

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land, the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order, no proceedings under section 84C shall be initiated and if already initiated shall be discontinued forthwith.

Conversion of
land into non-
agricultural
purpose if the
land is purchased
before the
commencement of
Amending Act,
2015.

63AC. (1) Notwithstanding anything contained in section 63 or 63AD but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 63 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non -agricultural purpose.

Bom. 29 of
1950.

18 of 2013.

Guj. 28 of
2015.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust

or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.

Penalty to transferee for transfer of land in breach of provisions of sub-section (1) of section 63.

63AD. (1) Notwithstanding anything contained in section 84C, where the Mamalatdar *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 63, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Mamalatdar shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Mamalatdar comes to a decision that the transfer of such land is not valid then he shall pass an order thereby,-

- (i) imposing the penalty of three times the amount of the prevailing Jantri of such land on such person or institution in whose favour such land is not validly transferred; and
- (ii) directing the person or institution in whose favour such land is not validly transferred to restore the land along with the rights and interest therein to the position in which it was immediately before such transfer within a period of one month of such order.

Explanation.- For the purposes of this Act, the expression "Jantri" means the index of base market values as may be determined by the State Government from time to time."

Amendment
of section 82
in Bom.
LXVII of
1948.

4. In the Gujarat Tenancy and Agricultural Lands Act, in section 82, in sub-section (2), after clause (kaa) the following clauses shall be inserted, namely:-

- “ (kaa) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section(4B) of section 63AA;
(kbb) the manner for disposal of land vested in the State Government under sub-section (v) of section 63AA;”.

Insertion of
new sections
54A, 54B and
54C in Sau.
Ord. XLI of
1949

5 In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance”), after section 54, the following sections shall be inserted, namely:-

Sau. Ord.
XLI of
1949.

Last
transaction if
made to an
agriculturist to
be valid even if
earlier
transaction or
transactions
may be invalid.

“54A. (1) Notwithstanding anything contained in section 54, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clauses (a), (b) or (c) of sub-section (1) of section 54, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit .

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order,

Conversion of land into non-agricultural purpose if the land is purchased before the commencement of Amending Act, 2015.

Bom. 29 of 1950.

18 of 2013.

Guj. 28 of 2015.

no proceedings under section 75 shall be initiated and if already initiated shall be discontinued forthwith.

54B. (1) Notwithstanding anything contained in section 54 or 75A but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 54 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non-agricultural purpose.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.”

6. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Land Ordinance, in section 55,-

Amendment of section 55 of Sau. Ord. XLI of 1949.

(1) in sub-section(3), after the existing proviso, the following proviso shall be inserted, namely:-

“ Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in lieu of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.”;

(2) in sub-section (2), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

“ (b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from such date of certificate:

Provided that the period of five years may, on an application made by the purchaser in that behalf be extended by two years by the Collector as it may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on the payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.”;

(3) after sub-section (3), the following sub-sections shall be inserted, namely:-

“(3A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-clause(ii) of clause (c) of sub-section (2)

or thereafter, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

(3B) Notwithstanding anything contained in sub-section (3) or sub-section (3A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfill the conditions as referred to in clause (i);
- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (4), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State

Government and disposal of such land are concerned, shall *mutatis mutandis* apply;

- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause (iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);
- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,-
 - (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
 - (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
 - (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”;

(4) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed.”.

7. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, after section 75, the following section shall be inserted, namely:-

Insertion of
new section
75A in Sau.
Ord. XLI of
1949.

Penalty to
transferee for
transfer of land in
breach of
provisions of sub-
section (1) of
section 54.

“75A. (1) Notwithstanding anything contained in section 75, where the Collector *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 54, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Collector shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Collector comes to a decision that the transfer of such land is not valid then he shall pass an order thereby imposing the penalty of three times the amount of the prevailing Jantri of such land on the

person or the institution in whose favour such land is not validly transferred.

Explanation.- For the purposes of this Ordinance, the expression “Jantri” means the index of base market values as may be determined by the State Government from time to time.”.

Amendment
of section 73 of
Sau. Ord. XLI
of 1949

8. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, in section 73, in sub-section (2), after clause (d), the following clauses shall be inserted, namely:-

- “(d-a)) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section (3B) of section 55;
(d-b) the manner for disposal of land vested in the State Government under sub-section (4) of section 55;”.

Amendment
of section
89A of
Bom. XCIX
of 1958.

9. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A-

Bom. XCIX
of 1958.

(1) in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:-

“ Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in *lieu* of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.”;

18 of 2013.

(2) in sub-section (4), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

“(b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from the date of certificate:

Provided that the period of five years on an application made by the purchaser in that behalf be extended by two years by the Collector as it may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.”;

(3) after sub-section (4), the following sub-sections shall be inserted, namely:-

“(4A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-section (3) or thereafter, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;

- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

(4B) Notwithstanding anything contained in sub-section (4) or sub-section (4A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfill the conditions as referred to in clause (i);
- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (5), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State Government and disposal of such land are concerned, shall *mutatis mutandis* apply;
- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause(iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);

- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,
- (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate; as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression "*bonafide* industrial purpose" includes and shall always be deemed to have included the establishment of the industrial park.”;

- (4) for sub-section (5), the following sub-section shall be substituted, namely:-

“(5) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended

under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed.”.

Insertion of new sections 89B, 89C and 89D in Bom. XCIX of 1958.

10. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, after section 89A, the following sections shall be inserted, namely:-

Last transaction if made to an agriculturist to be valid even if earlier transaction or transactions may be invalid.

“89B. (1) Notwithstanding anything contained in section 63, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clause (a) or (b) of sub-section (1) of section 89, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit .

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land, the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order, no proceedings under section 122 shall be initiated and if already initiated shall be discontinued forthwith.

Conversion of land
into non-agricultural
purpose if the land is
purchased before the
commencement of
Amending Act, 2015.

Bom. 29 of 1950.

18 of 2013.

Guj. 28 of 2015.

89C. (1) Notwithstanding anything contained in section 89 or 89D but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 89 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy Agriculture Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non-agricultural purpose.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.

Penalty to
transferee for
transfer of Land
in breach of
provisions of
sub-section (1)
of Section 89.

89D. (1) Notwithstanding anything contained in sub-section (1) of section 122, where the Mamalatdar *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a) or (b) of sub-section (1) of section 89, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Mamalatdar shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Mamalatdar comes to a decision that the transfer of such land is not valid then he shall pass an order thereby,-

- (i) imposing the penalty of three times the amount of the prevailing Jantri of such land on the person or institution in whose favour such land is not validly transferred; and
- (ii) take further actions as provided in the provisions of sub-section (3) to (5) of section 122.

Explanation.- For the purposes of this Act, the expression "Jantri" means the index of base market values as may be determined by the State Government from time to time."

Amendment of
section 118 Bom.
XCIX of 1958.

11. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 118, in sub-section (2), after clause (xix-a), the following clauses shall be inserted, namely:-

Bom.
XCIX of
1958.

- "(xix-b) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section (4B) of section 89A;
- (xix-c) the manner for disposal of land vested in the State Government under sub-section (5) of section 89A;"



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 20th September, 2015 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 29 OF 2015.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 30th September, 2015).

AN ACT

further to amend certain labour laws in its application
to the State of Gujarat.

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- 8 of 1923. 2. In the Employee's Compensation Act, 1923, in section 22, to sub-section (1A), the following proviso shall be added, namely:- Amendment of section 22 of 8 of 1923.

"Provided that if an application by an employee or by dependent or dependents for compensation is not made before the Commissioner within a period of ninety days from the date of the occurrence of the accident, then such application may be filed by an officer authorised by the State Government in this behalf for the purpose of compensation to be paid to such employee or dependent or dependents."

- Amendment of section 2 of 14 of 1947.** 3. In the Industrial Disputes Act, 1947 (hereinafter referred to as "the Industrial Disputes Act"), in section 2, in clause (n), for the existing proviso to sub-clause (vi), the following proviso shall be substituted, namely:-

"Provided that the period so specified shall not, in the first instance, exceed one year but may, by a like notification, be extended from time to time, by any period not exceeding two years, at any one time, if in the opinion of the appropriate Government, public emergency or public interest requires such extension;"

- Amendment of section 2A of 14 of 1947.** 4. In the Industrial Disputes Act, in section 2A, in sub-section (3), for the words "three years", the words "one year" shall be substituted.

- Amendment of section 25V of 14 of 1947.** 5. In the Industrial Disputes Act, in section 25V,-
- (1) for sub-section (2), the following sub-section shall be substituted, namely:-
- "(2) The provisions of this Chapter shall apply to the following, namely:-
- (i) an industrial establishment set up in the Special Economic Zone declared as such by the Government of India;
 - (ii) an industrial establishment set up in the Special Investment Region declared as such by the Government of Gujarat;
 - (iii) an industrial establishment set up in the National Investment and Manufacturing Zone declared as such by the Government of India;
 - (iv) hundred per cent. export oriented industrial establishment."

(2) in the marginal note, after the words "Economic Zone", the words "and others" shall be added.

- Amendment of section 25ZA of 14 of 1947.** 6. In the Industrial Disputes Act, in section 25ZA,-
- (1) in sub-section (1), in clause (b), for the words "forty-five days", the words "sixty days" shall be substituted;
- (2) in sub-section (2), for the words "forty-five days", the words "sixty days" shall be substituted.

- Amendment of section 31 of 14 of 1947.** 7. In the Industrial Disputes Act, in Chapter VI, in section 31, in sub-section (2), for the words "one hundred rupees", the words "twenty-one thousand rupees" shall be substituted.

- Insertion of new section 31A in 14 of 1947.** 8. In the Industrial Disputes Act, in Chapter VI, after section 31, the following section shall be inserted, namely:-

- Compounding of offences.** "31A. (1) Any offence punishable under section 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either

before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:-

TABLE

Sr. No.	Section	Compounding amount			
1	2	3			
1.	25Q	25 days wages last drawn by each workman.			
2.	25R	60 days wages last drawn by each workman.			
3.	25U	(i) By each workman ₹ 150/- per day but not exceeding ₹ 3000/- in aggregate; (ii) By employer ₹ 300/- per day but not exceeding the amount in aggregate as shown below :			
		Number of workmen employed in the industry		Amount not exceeding	
		1 to 50		₹ 7,000/-	
		51 to 100		₹ 10,000/-	
		101 to 500		₹ 15,000/-	
		More than 500		₹ 20,000/-	
4.	26	(i) In case of illegal strike, ₹ 150/- per day by each workman but not exceeding ₹ 3000/- in aggregate; (ii) In case of illegal lock-out ₹ 300/- per day by an employer but not exceeding the amount in aggregate as shown below :			
		Number of workmen employed in the industry		Amount not exceeding	
		1 to 50		₹ 7,000/-	
		51 to 100		₹ 10,000/-	
		101 to 500		₹ 15,000/-	
		More than 500		₹ 20,000/-	
5.	27 and 28	As per section 26 above for illegal strike and lockout.			
6.	29	₹ 200/- per day in respect of each of the workman.			
7.	30A	25 days wages last drawn by each workman.			
8.	31(1)	Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 10,000/-	₹ 15,000/-	₹ 20,000/-
		51 to 100	₹ 15,000/-	₹ 20,000/-	₹ 25,000/-
		101 to 500	₹ 20,000/-	₹ 25,000/-	₹ 30,000/-
		more than 500	₹ 30,000/-	₹ 35,000/-	₹ 40,000/-
9.	31(2)	(i) For each workman, for the first offence ₹ 1000/-, for the second offence ₹ 2000/- and for the third offence ₹ 3000/-			

		(ii) For Employer:			
		Number of workmen employed in the industry	For first offence	For second offence	For third offence
		1 to 50	₹ 1500	₹ 3000	₹ 6000
		51 to 100	₹ 3000	₹ 6000	₹ 10000
		101 to 500	₹ 4000	₹ 8000	₹ 15000
		more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature wherever applicable shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then the compounding amount received from him, shall be paid to the concerned workman or equally amongst the workmen and if any workmen are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged. ”.

Amendment of
Fourth Schedule
to 14 of 1947.

9. In the Industrial Disputes Act, in the Fourth Schedule, entries at serial No. 6 and 11 shall be deleted.

Amendment
of section 2
of 11 of 1948.

10. In the Minimum Wages Act, 1948 (hereinafter referred to as “the Minimum Wages Act”), in section 2, in clause (e), -

11 of 1948.

- (i) after the words “or through another person”, the words “including outsourcing agency” shall be inserted;
- (ii) after sub-clause (iv), the following explanation shall be added, namely:-

“*Explanation.*- For the purposes of this clause, “outsourcing agency” means an agency which by a contractual agreement or otherwise, provides services or supplies employees.”.

11. In the Minimum Wages Act, in section 11, to sub-section (1), the following proviso shall be added, namely:-

Amendment
of section 11
of 11 of 1948.

63 of 1948.
Bom. LXXIX of
1948.

“Provided that every establishment registered under the Factories Act, 1948 and every establishment registered under the Gujarat Shops and Establishments Act, 1948, wherein not less than twenty employees are engaged, shall pay the minimum wages only through cheque or by depositing the same in any Bank.”.

12. In the Minimum Wages Act, after section 18, the following section shall be inserted, namely:-

Insertion of
new section
18A in 11 of
1948.

Obligation of
Employer.

“18A. (1) Every employer in such class of employment as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

13. In the Minimum Wages Act, in section 22A, for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted.

Amendment
of section 22A
of 11 of 1948.

14. In the Minimum Wages Act, after section 22C, the following section shall be inserted, namely:-

Insertion of
new section
22CC in 11 of
1948.

Compounding
of offences.

“22CC. (1) Any offence punishable under section 22A may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

Section	Compounding amount			
2	3			
22A	Number of employees employed in the industry	For first offence	For second offence	For third offence
	1 to 50	₹ 1500	₹ 3000	₹ 6000
	51 to 100	₹ 3000	₹ 6000	₹ 10000
	101 to 500	₹ 4000	₹ 8000	₹ 15000
	more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008. **33 of 2008.**

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence.”.

Insertion of
new section
111AA in 63
of 1948.

15. In the Factories Act, 1948, after section 111, the following section shall be inserted, namely:- **63 of 1948.**

Obligation of
Occupier.

“111AA. (1) Every occupier in such class of factories as may be notified by the State Government, taking into consideration the number of employees employed by him or the nature of the manufacturing process, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the occupier for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any occupier who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

27 of 1961. 16. In the Motor Transport Workers Act, 1961, after section 34, the following section shall be inserted, namely:- **Insertion of new section 34A in 27 of 1961.**

Compounding of offences.

“34A. (1) Any offence punishable under sub-section (1) of section 29, section 31 and section 32 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid wherever it is feasible to the concerned worker or equally amongst the workers and if any workmen are not identifiable then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

21 of 1965. 17. In the Payment of Bonus Act, 1965 (hereinafter referred to as “the Payment of Bonus Act”), after section 26, the following section shall be inserted, namely:- **Insertion of new section 26A in 21 of 1965.**

Obligation of Employer.

“26A. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number

of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Insertion of
new section
29A in 21 of
1965.

18. In the Payment of Bonus Act, after section 29, the following section shall be inserted, namely:-

Compounding
of offences.

“29A. (1) Any offence punishable under this Act or the rules made thereunder may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Compounding amount			
2			
Number of employees employed in the establishment	For first offence	For second offence	For third offence
1 to 50	₹ 1500	₹ 3000	₹ 6000
51 to 100	₹ 3000	₹ 6000	₹ 10000
101 to 500	₹ 4000	₹ 8000	₹ 15000
more than 500	₹ 5000	₹ 10000	₹ 20000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

32 of 1966.

19. In the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, after section 33, the following section shall be inserted, namely:-

Insertion of
new section
33A in 32 of
1966.

Compounding of
offences.

“33A. (1) Any offence punishable for second or any subsequent offence under sub-section (1) of section 33 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf, for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

37 of 1970.

20. In the Contract Labour (Regulation and Abolition) Act, 1970, (hereinafter referred to as “the Contract Labour Act”), after section 25, the following section shall be inserted, namely:-

Insertion of
new section
25A in 37 of
1970.

**Compounding
of offences.**

“25A. (1) Any offence punishable under sub-sections (1) and (2) of section 22 and section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

Sections	Compounding amount	
2	3	
22(1), 22(2) and 24	Number of workmen employed in the establishment	Amount not exceeding
	1 to 50	₹ 7000/-
	51 to 100	₹ 10000/-
	101 to 500	₹ 15000/-
	more than 500	₹ 20000/-

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the principal employer or contractor, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

**Insertion of
new section
29A in 37
of 1970.**

21. In the Contract Labour Act, after section 29, the following section shall be inserted, namely:-

Obligation of
principal
employer
and
contractor.

“29A. (1) Every principal employer or contractor in such class of establishments, as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the principal employer or contractor for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any principal employer or contractor who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

39 of 1972. 22. In the Payment of Gratuity Act, 1972, after section 10, the following sections shall be inserted, namely:-

Insertion of
new sections
10A and 10B
in 39 of 1972.

Compounding
of offences.

“10A. (1) Any offence punishable under sub-section (2) of section 9 in so far as the contravention of the provisions of the rules 3, 6(1), 8, and 10A(7) of the Payment of Gratuity (Gujarat) Rules, 1973 is concerned, may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Compounding amount				
2				
Number of employees employed in the establishment	Rule 3	Rule 6(1)	Rule 8	Rule 10A(7)
1 to 50	₹ 5000	₹ 10000	₹ 2000	₹ 3000
51 to 100	₹ 5000	₹ 15000	₹ 2000	₹ 3000
101 to 500	₹ 5000	₹ 20000	₹ 2000	₹ 3000
more than 500	₹ 5000	₹ 25000	₹ 2000	₹ 3000

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008. 33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.

Obligation of Employer.

10B. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Amendment of section 10 25 of 1976.

23. In the Equal Remuneration Act, 1976 (hereinafter referred to as “the Equal Remuneration Act”), in section 10, in sub-section (3), for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted. 25 of 1976.

Insertion of new section 11A in 25 of 1976.

24. In the Equal Remuneration Act, after section 11, the following section shall be inserted, namely:-

Compounding of offences.

“**11A.** (1) Any offence punishable under section 10 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

Sr. No.	Sections	Compounding amount			
1	2	3			
		Number of workers employed in the Establishments or employment	For first offence	For second offence	For third offence
1	10(1) and 10(3)	1 to 50	₹ 1500	₹ 3000	₹ 6000
		51 to 100	₹ 3000	₹ 6000	₹ 10000
		101 to 500	₹ 4000	₹ 8000	₹ 15000
		more than 500	₹ 5000	₹ 10000	₹ 20000
2	10(2)	Difference in the remuneration paid and actually payable, for 90 days for every completed year of service of each worker .			

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

33 of 2008.

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned worker or equally amongst the workers and if any workers are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”

Amendment of
section 2 of 27
of 1996.

25. In the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, in section 2, in sub-section (1), in clause (e), in sub-clause (ii), for the words "draws wages exceeding one thousand six hundred rupees per *mensem*", the words "draws wages three times more than the monthly wages of the skilled labour" shall be substituted.

27 of 1996.

Amendment of
Schedule II of
33 of 2008.

26. In the Unorganised Workers' Social Security Act, 2008, in Schedule II, entry at serial No. 2 shall be deleted.

33 of 2008.



सत्यमेव जयते

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 3rd October, 2015.

GUJARAT ORDINANCE NO. 3 OF 2015.

AN ORDINANCE

*further to amend the Gujarat Provincial Municipal Corporations Act, 1949,
the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

Bom. LIX of 1949.
Guj. 34 of 1964.
Guj. 18 of 1993.

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*-(1) This Ordinance may be called the Gujarat Local Authorities Laws (Second Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Bom. LIX of 1949, Guj. 34 of 1964 and Guj. 18 of 1993 to be temporarily amended.**- During the period of operation of this Ordinance, the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 shall have effect subject to the amendments specified in sections 3 to 5.

Bom. LIX of
1949.
Guj. 34 of
1964.
Guj. 18 of
1993.

3. **Amendment of section 7A of Bom. LIX of 1949.** - In the Gujarat Provincial Municipal Corporations Act, 1949, in section 7A, for sub-section (1), the following sub-section shall be substituted, namely:-

Bom. LIX of
1949.

“(1) Where it is not possible to hold the election to constitute a Corporation on account of unforeseen circumstances such as natural calamity, riots, disturbances or on account of an apprehension that voters will not be allowed to vote frankly and freely, then, notwithstanding anything contained in this Act, the State Government may, by an order published in the *Official Gazette*, appoint an officer as an Administrator to manage the affairs of the Corporation during the period from the date specified in the order upto the date immediately preceding the date of the first meeting after the general election.”.

4. **Substitution of section 8A of Guj. 34 of 1964.**- In the Gujarat Municipalities Act, 1963, for section 8A, the following section shall be substituted, namely :-

Guj. 34 of
1964.

Appointment of
Administrator to
exercise the
powers of the
municipality in
certain
circumstances.

“8A. (1) Where it is not possible to hold the election to constitute a municipality on account of unforeseen circumstances such as natural calamity, riots, disturbances or on account of an apprehension that voters will not be allowed to vote frankly and freely, then, notwithstanding anything contained in this Act, the State Government may, by an order published in the *Official Gazette*, appoint an officer as an Administrator to manage the affairs of the municipality.

(2) All powers and duties of the municipality shall be exercised and performed by the Administrator appointed under sub-section (1) during the period from the date specified in the order upto the date immediately preceding the date of the first meeting after the general election.”.

5. **Substitution of section 257 of Guj. 18 of 1993.**- In the Gujarat Panchayats Act, 1993, for section 257, the following section shall be substituted, namely:-

Guj. 18 of
1993.

Appointment of
Administrator to
exercise the
powers of the
panchayat in
certain
circumstances.

“257. (1) Where it is not possible to hold the election to constitute a panchayat on account of unforeseen circumstances such as natural calamity, riots, disturbances or on account of an apprehension that voters will not be allowed to vote frankly and freely, then, notwithstanding anything contained in this Act, the State Government may, by an order published in the *Official Gazette*, appoint an officer as an Administrator to manage the affairs of the panchayat.

(2) All powers and duties of the panchayat shall be exercised and performed by the Administrator appointed under sub-section (1) during the period from the date specified in the order upto the date immediately preceding the date of the first meeting after the general election.”.

STATEMENT

The existing provisions of the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993, in so far as the reasons for not holding the election to constitute a Corporation, a municipality or a panchayat before the expiry of its duration and consequent appointment of an Administrator thereof are concerned, are not similar. It is, therefore, considered necessary to have similar provisions relating to unforeseen circumstances such as natural calamity, riots, disturbances for not holding the election before the expiry of the duration of any of the local bodies in all the aforesaid three Acts.

Further, free and fair election is the pillar and integral part of democracy. If a voter is restrained from casting his vote freely and to elect a candidate of his choice, then, it is not a free and fair election. An election which is not free and fair subverts democracy. As such it is considered necessary that an apprehension that voters will not be allowed to vote frankly and freely should also be a ground for not holding the election to constitute any of the local bodies before expiry of its duration.

It is, therefore, considered necessary to amend the relevant provisions of the aforesaid three Acts so as to bring uniformity in the matter relating to not holding the election in the circumstances as stated above.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 to achieve the aforesaid object.

Gandhinagr,

Dated the 3rd October, 2015.

O. P. KOHLI,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

B. B. SWAIN,

Principal Secretary to Government.